

# ELECTORAL VOTE OBJECTION PACKET

## EXECUTIVE SUMMARY

Federal law 3 U.S.C. §§15 and 17 set out the procedure for members of Congress to submit written objections to electoral votes for violations of state law and federal law, including Article II Section 1 and the 12<sup>th</sup> Amendment of the United States Constitution. The purpose of this packet is to provide you and your colleagues with information you may need to submit objections to electoral votes cast in the 2016 Presidential election. We have reason to believe that just among Republican electors, there are at least 50 electoral votes that were not regularly given or not lawfully certified [16 Congressional District violations and 34 Dual Office-Holder violations]. The number could be over a hundred. There were also a lesser number of Democratic electoral votes that were not regularly given or lawfully certified. We urge you, our representatives, to prepare written objections for January 6<sup>th</sup>.

Among the at least 50 Republican electors that we identified, at least 16 electors lived outside the congressional districts they represented, in violation of state statutory residency requirements, and at least 34 electors held dual offices, in direct violation of statutes prohibiting dual-office holding. Votes cast in a manner inconsistent with state law violate U.S. Constitution, Article II, Section 1 and the 12<sup>th</sup> Amendment.

In North Carolina, for instance, NCGS § 163-1(c) states, "One presidential elector shall be nominated from each congressional district..." Yet, we have voter registration cards showing that numerous North Carolina electors lived outside of the congressional districts they represented.

In Florida, Article 2 § 5(a) of the Constitution provides, in part, "[n]o person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state." While the constitutional provision does not define the term "office" or "officer," the Supreme Court of Florida has stated that an "office" implies a delegation of a portion of the sovereign power to, and the possession of it by, the person filling the office. Moreover, Fla. Stat. §103.071 provides for the compensation of presidential electors, stating in relevant parts, "[e]ach presidential elector...shall be reimbursed for his or her travel expenses...from the elector's place of residence to Tallahassee and return."

We note that Florida Attorney General Pam Bondi, who has issued a number of Advisory Legal Opinions on dual-office holding, was a presidential elector. Her name was on the Governor's certification list of Republican electors, and Attorney General Bondi cast her electoral ballot on December 19th. Joe Negron, who also cast an electoral vote, is currently President of the Florida Senate.

Another area of concern is that the 12<sup>th</sup> Amendment of the U.S. Constitution and federal law, 3 U.S.C. Ch. 1 § 9, require that the presidential electors in each state provide "two distinct lists of votes" one for the President and the other for the Vice President. Of 31 states, only eight states followed that law. Some states codify the federal law into their own state law regarding

presidential electors. Of those, 15 states did not provide two lists of signatures on their Certificates of Vote.

Below, please find, a summary of the process for objections and a vote for President, and an overview of the laws regarding presidential electors in all 50 states.

We include three spreadsheets, one per area of concern – congressional districts, dual offices, and two distinct lists of votes -- detailing the laws and the potential violations mentioned above.

Along with this document, in the published packet, we offer two spreadsheets (documents 2 and 3) and two summaries of same (4a and 4b), one set for blue states and one for red states -- detailing the laws and the potential violations mentioned above, including relevant statutory provisions.

We also include a 1,000 page set of evidence (document 5), including copies of voter registration cards to prove residency, and Certificates of Vote to demonstrate the manner in which these electors voted to show the depth of our research and to demonstrate the proof of our assertions. We also share transcripts of House and Senate procedures from 2005 in order to better inform the manner that you may wish to make your objections.

The compiling of the laws and evidence in this Electoral Vote Objection Packet was completed by a national team of roughly fifteen *pro bono* attorneys, with support from law students, and legal assistants who were representing no client or entity. We are non-partisan--Democrat, Republican, and Independent. We live in different parts of the country, urban and rural, Red states and Blue states.

**DISCLAIMER:** Although we strove for accuracy and completeness, and to label potential objections on the strength of the basis for each by color -- RED for strong and ORANGE for arguable – because we are not necessarily election law experts, we cannot guarantee that all of the law contained herein is complete or that the evidence is accurate. We are not providing any legal advice. We strongly suggest that members of Congress employ their own legal teams to verify our work. All articles, pamphlets and other possibly copyrighted or trademarked material is being included in this packet are for educational purposes only.

**METHODOLOGY:** We used publicly available sources for all of our research, and included the URLs for evidence and other back-up information where possible. We are submitting this packet in two parts. The summaries and spreadsheets in one pdf and then the supporting evidence separately.

4 January 2017

## MEMO ON OBJECTIONS PROCESS UNDER THE ECA

Timing: On January 6, at 1:00 p.m. the House and Senate will meet in joint session for the counting of the electoral votes. In alphabetical order, the certificates of the electoral votes of the states and the District of Columbia will be read by Tellers when each state is announced by the President of the Senate (Biden) or the President Pro Tem, in his absence.<sup>1</sup>

Authority for Objections: The Electoral Counting Act (ECA), the heart of which is titled "Counting electoral votes in Congress," is codified at 3 U.S.C. § 15 and provides a procedure by which legislators may object to the electoral votes of the states. There are two grounds for objection authorized by the ECA: that the votes were not *regularly given*, or that the electors were not *lawfully certified*. There is no authority that further clarifies the meaning of these terms, or whether they may be co-extensive. However, the only two objections ever properly presented and debated under the ECA were both brought based on claims that the votes were not "regularly given."

Objections Must Be Bicameral: The ECA requires an objection to an electoral vote to have the signature of at least one Senator and at least one Representative.<sup>2</sup> When the certificate or equivalent paper from each state (or the District of Columbia) is read, "the President of the Senate shall call for objections, if any." Any such objection must be presented in writing and must be signed by at least one Senator and one Representative. The objection "shall state clearly and concisely, and without argument, the ground thereof...."<sup>3</sup>

Deliberation and Ruling on Objections: When an objection, properly made in writing and endorsed by at least one Senator and one Representative, is received, each house is to meet and consider it separately. The statute states that "[n]o votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of."<sup>4</sup>

Debate of Objections—Separate Houses: The Senate and the House of Representatives vote on each objection separately. The debate on each objection cannot last more than two hours, during which each lawmaker may speak only once, and for not more than five minutes.<sup>5</sup>

Ruling on Objections: After two hours of debate, "the presiding officer of each House [shall] put the main question without further debate."<sup>6</sup> The decision of each house is then brought back to the President of the Senate and announced. "No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of."<sup>7</sup>

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<sup>1</sup> 3 U.S.C. § 15.

<sup>2</sup> "Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received." 3 U.S.C. § 15

<sup>3</sup> 3 U.S.C. § 15

<sup>4</sup> Counting Electoral Votes: An Overview of Procedures at the Joint Session; Maskell and Rybicki, Congressional Research Service Study, November 15, 2016, discussion provisions of 3 U.S.C. § 15

<sup>5</sup> 3 U.S.C. § 17

<sup>6</sup> *Id.*

<sup>7</sup> 3 U.S.C. § 15

Results of Ruling on Objections: The only two ECA objections that have ever been properly brought and debated by the two Houses separately (1969 and 2005) were overruled by both Houses; the subject Electoral votes (one North Carolina vote and the entire Electoral slate of Ohio, respectively), therefore, were counted, and not rejected. Presumably, had the objections been sustained by both houses, the electoral votes would have been rejected.

In the case of a deadlock, however, the ECA provides “if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted.”<sup>8</sup> Oddly, the default position, then, is that the certifying governor is the tiebreaker. This brings into play an interesting, and probably unconstitutional delegation to a separate branch of government, allowing a state executive who is, likely partisan, to override a Constitutionally based power of one of the two legislative branches. Accordingly, it is possible that a deadlock between the two Houses would create a constitutional question to be decided by the judiciary—the Supreme Court.

## **SCRIPT**

The following is what may happen when the results of each State are called, and a script for what the chosen Representative or Senators should say (based on the 2005 Tubbs/Boxer objection submitted to then Senate President Richard Cheney):

**Senate President Biden:** [Calls state in question]

**Teller:** Mr. President, the certificate of the electoral vote of the State of [XXX] seems to be regular in form and authentic, and it appears therefrom that [Presidential candidate] received [##] votes for President and [Vice Presidential Candidate] received [##] votes for Vice President.

**Senate President Biden:** [Calls for objections]

**Objecting Congressperson or Senator:** [Stands]

**Biden:** For what purpose does the member rise?

**Objecting Congressperson or Senator:** Mr. President, I seek to object to the electoral votes of the State of [XXX] on the grounds that they were not, under all of the known circumstances, regularly given and that the electors were not lawfully certified. I have a written objection, signed both by myself, and by a member of the [other chamber], as required by the United States Code.

**Biden:** Has the member from the [other chamber] signed the objection?

**Objecting Congressperson:** Mr. President, [Senator/Representative] [Name] has signed the objection.

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<sup>8</sup> 3 U.S.C. § 15

**Biden.** An objection presented in writing and signed by both a Representative and a Senator complies with the law, chapter 1 of title 3, United States Code. The Clerk will report the objection.

**Clerk:** [Reads objection]

**Biden:** Are there further objections to the certificate from the State of [XXXX]?

[PROCESS REPEATS, if there are]

**CLERK:** The two Houses will withdraw from joint session. Each House will deliberate separately on the pending objection and report its decision back to the joint session. The Senate will now retire to its Chamber.

### **FORM OF OBJECTION**

The following is a proposed form of written objection to be prepared by the Senator-Representative pair, for each objection to be brought under the ECA (Based on the Boxer-Tubbs Objection of 2005.)

We, a Member of the House of Representatives and a United States Senator,  
object to the counting of the electoral votes of the State of [XXXXXX] on the  
grounds that they were not, under all of the known circumstances, regularly given,  
and that the electors were not legally certified.

[NAME OF CONGRESSPERSON], Representative, State of [XXXXXX].

[NAME OF SENTATOR], United States Senator, State of [XXXXXX].

	A	B	C	D
1	state	elector	State's Statutory Elector Residency Requirement	Elector Not from Designated District and Supporting Evidence, including true address. Additional Evidence at state tab.
2	Arkansas	Keith Gibson	"each political party or group in the state shall choose by its state convention electors of President and Vice President of the United States." Ark. Code Ann. §§ 7-8-302, 7-8-306, 7-8-307. "elect one Elector from each Congressional District, who is a qualified voter in and resident of that District, and a number of at-large Electors." AR GOP Rules: Art I Section 10	CD4. P.O. Box 230, Lavaca, AR 72941. NO REGISTERED VOTER OF THIS NAME IN AR.
3	Arkansas	Tommy Land	"each political party or group in the state shall choose by its state convention electors of President and Vice President of the United States." Ark. Code Ann. §§ 7-8-302, 7-8-306, 7-8-307. "elect one Elector from each Congressional District, who is a qualified voter in and resident of that District, and a number of at-large Electors." AR GOP Rules: Art I Section 10	CD1. 199 Heber Springs Rd. W, Heber Springs, AR 72543. VOTER REGISTRATION IS CD2.
4	Indiana	Chuck Williams	"A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election: ... The convention may also: (1) nominate candidates for presidential electors and alternate electors." IC 3-8-4-2. "No person shall be eligible for election for the office of precinct committeeman at the Primary election or appointment thereafter unless the individual ... is a qualified elector of the precinct if elected; or qualified elector of the county if appointed." Rules of the Indiana Republican State Committee Rule 2.3.	CD9 voter registration, but CD1 chair. No other elector represents CD1.

	A	B	C	D
5	Louisiana	Chris D. Trahan	<p>"Each recognized political party shall nominate a full slate of candidates for elector, one from each congressional district and two from the state at large."</p> <p>LA RS 18:1253(a); 2012 Louisiana Laws Revised Statutes TITLE 18 — Louisiana election code RS 18:1251 — National electionsCHAPTER 6. NATIONAL ELECTIONS PART I. PRESIDENTIAL ELECTORS §1251. Election; time of electing A. In every fourth year after an election of a president and vice president of the United States, the electors of president and vice president of the United States, hereinafter referred to as "presidential electors," shall be chosen by election by the qualified electors of the state. The election shall be held on the Tuesday following the first Monday in November and shall be conducted and the returns made in accordance with the provisions of this Title, except insofar as such provisions may conflict with the provisions of this Part. B. One presidential elector shall be chosen from among the qualified electors of each congressional district and two presidential electors shall be chosen from among the qualified electors of the state at large. Acts 1976, No. 697, §1, eff. Jan. 1, 1978. Amended by Acts 1977, No. 588, §1, eff. Jan. 1, 1978.</p>	Chris D. Trahan lives in CD6 but signed for CD1 Voter registration in dropbox
6	Michigan	John Haggard	<p>Mich. Constitution Art. 2 § 3 Presidential electors; residence. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed. M.C.L. 168.41 Presidential electors; eligibility. No person shall be eligible to be an elector of president and vice-president who shall not have been a citizen of the United States for at least 10 years and a resident and registered elector of the congressional district for an elector representing a congressional district, or of the state, for an elector representing the state at large for at least 1 year prior to the election. No senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector, as provided in section 1 of article 2 of the United States constitution. §1251. Election; time of electing;</p>	CD1: CD1. Address on Certificate of Ascertainment (101 Pearl St) is incorrect, it does not exist. Address according to county property tax records and voter registration is 9375 Pearl Ave. Charlevoix, Michigan.

	A	B	C	D
7	Michigan	Jack Holmes	Mich. Constitution Art. 2 § 3 Presidential electors; residence. For purposes of voting in the election for president and vice-president of the United States only, the legislature may by law establish lesser residence requirements for citizens who have resided in this state for less than six months and may waive residence requirements for former citizens of this state who have removed herefrom. The legislature shall not permit voting by any person who meets the voting residence requirements of the state to which he has removed. M.C.L. 168.41 Presidential electors; eligibility. No person shall be eligible to be an elector of president and vice-president who shall not have been a citizen of the United States for at least 10 years and a resident and registered elector of the congressional district for an elector representing a congressional district, or of the state, for an elector representing the state at large for at least 1 year prior to the election. No senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector, as provided in section 1 of article 2 of the United States constitution. §1251. Election; time of electing;	CD2: CD2 MICHIGAN ELECTOR WITH COLORADO ADDRESS --- Mailing address: 1219 Gold Park Rd, Red Cliff, CO 81649 ( <a href="http://www.eaglecounty.us/patie/">http://www.eaglecounty.us/patie/</a> ) Voter Registration shows mailing address in CO. <a href="https://voterrecords.com/voters/mi/jack+holmes/1">https://voterrecords.com/voters/mi/jack+holmes/1</a> )& Chairman of church: <a href="http://www.vaildaily.com/news/town-talk/saturday-red-cliff-services/">http://www.vaildaily.com/news/town-talk/saturday-red-cliff-services/</a>
8	North Carolina	Linda Harper	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 1. Linda Ruth Lamm Harper is wrong. She lives in CD 7. "The link for all evidence for EACH NC Invalid Elector with pictures of their official voter registration cards is here. [Also, for each elector, see the url for that elector's voter registration info in column L ""Other Notes""] <a href="https://docs.google.com/spreadsheets/d/1R_yET7SCdrwKHFWIU_0lrQsjsYx2sKkUUMyUZ3Hn2IY/edit#gid=0">https://docs.google.com/spreadsheets/d/1R_yET7SCdrwKHFWIU_0lrQsjsYx2sKkUUMyUZ3Hn2IY/edit#gid=0</a> NCGS 163-1( c)"
9	North Carolina	Charles Staley	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 2. Charles Staley lives in CD 6.
10	North Carolina	Karen Kozel	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 3. Karen Delong Kozel lives in CD 1.



	A	B	C	D
11	North Carolina	Donald Webb	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 6. Donald Matthew Webb lives in CD 13.
12	North Carolina	Glenn Pinckney Sr.	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 10. Glen Pinckney, Sr. lives in CD 5.
13	North Carolina	David Speight	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 12. David Eugene Speight lives in CD 13 in Lexington, NC.
14	North Carolina	Ann Sullivan	NCGS 163-1( c) One presidential elector shall be nominated from each congressional district and two from the state-at-large, and in addition, the State convention of each party and the unaffiliated candidate shall each nominate first and second alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there is a vacancy as provided by G.S. 163-210.	CD 13. Ann S. Sullivan introduced by NC Scty of State Elaine Marshall on Mon 19 Dec 2016 as "Elector from the Thirteenth District Ann S. Sullivan of Goldsboro" There is only one Ann S. Sullivan of Goldsboro on the NC voter rolls, and she lives in CD 07. <a href="http://tinyurl.com/NcEcCd13">tinyurl.com/NcEcCd13</a>
15	Oklahoma	Lauree Elizabeth Stedje Marshall	No statutory residency requirement (there was a bill to introduce one in 2001 and it failed). HOWEVER, OK Code 6-10-101 states "The nominees for Presidential Electors of any recognized political party shall be selected at a statewide convention of said party in a manner to be determined by said party." And the Oklahoma Republican Party Rules state: "each Congressional District Convention shall elect one Presidential Elector and one Alternate Presidential Elector who shall subscribe the duties of said office." Rule 18(i): <a href="http://okgop.com/wp-content/uploads/2016/01/2013-ORP-Rules-Amended-April-20131.pdf">http://okgop.com/wp-content/uploads/2016/01/2013-ORP-Rules-Amended-April-20131.pdf</a> .	Lauree Marshall voter registration is CD3, but she signed for CD5

	A	B	C	D
16	Texas	Martha Rhymes	<p>TX Code Sec. 192.002. ELIGIBILITY. (a) To be eligible to serve as a presidential elector, a person must:</p> <p>(1) be a qualified voter of this state; and</p> <p>(2) not hold the office of United States senator, United States representative, or any other federal office of profit or trust.</p> <p>(b) To be eligible to serve as a presidential elector for a political party, a person must be affiliated with the party.</p> <p>TX Code § 192.003: "METHOD OF BECOMING ELECTOR CANDIDATE. To become a presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for president."</p> <p><a href="http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.192.htm">http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.192.htm</a></p> <p>TX Republican Party Rule 39: At the Biennial State Convention in presidential election years, the delegates from each Congressional District shall nominate one (1) Presidential Elector and such nomination shall be presented to the National Nominations Committee; additionally, the National Nominations Committee shall select additional nominees to bring to total number of nominees to the number allowed by law. <a href="http://www.texasgop.org/wp-content/uploads/2014/01/2012-RPT-Rules-as-amended-by-SREC-12.07.13.pdf">http://www.texasgop.org/wp-content/uploads/2014/01/2012-RPT-Rules-as-amended-by-SREC-12.07.13.pdf</a>. In addition, vacancies in the EC must be filled by a person who resides in the CD of the person to be replaced.</p>	<p>CD1: Actual residence CD4. Northridge Country Estate 5806 Winchester Dr Texarkana, Texas 75503</p>

	A	B	C	D
17	Texas	Carol Sewell	<p>TX Code Sec. 192.002. ELIGIBILITY. (a) To be eligible to serve as a presidential elector, a person must:</p> <p>(1) be a qualified voter of this state; and</p> <p>(2) not hold the office of United States senator, United States representative, or any other federal office of profit or trust.</p> <p>(b) To be eligible to serve as a presidential elector for a political party, a person must be affiliated with the party.</p> <p>TX Code § 192.003: "METHOD OF BECOMING ELECTOR CANDIDATE. To become a presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for president."</p> <p><a href="http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.192.htm">http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.192.htm</a></p> <p>TX Republican Party Rule 39: At the Biennial State Convention in presidential election years, the delegates from each Congressional District shall nominate one (1) Presidential Elector and such nomination shall be presented to the National Nominations Committee; additionally, the National Nominations Committee shall select additional nominees to bring to total number of nominees to the number allowed by law. <a href="http://www.texasgop.org/wp-content/uploads/2014/01/2012-RPT-Rules-as-amended-by-SREC-12.07.13.pdf">http://www.texasgop.org/wp-content/uploads/2014/01/2012-RPT-Rules-as-amended-by-SREC-12.07.13.pdf</a>.</p> <p>In addition, vacancies in the EC must be filled by a person who resides in the CD of the person to be replaced.</p>	<p>CD3: Actual residence CD15. 107 Headwind Dr, Seguin, TX 78155</p>

	A	B	C	D
18	Texas	Marjorie Martha Forster	<p>person must:</p> <p>(1) be a qualified voter of this state; and</p> <p>(2) not hold the office of United States senator, United States representative, or any other federal office of profit or trust.</p> <p>(b) To be eligible to serve as a presidential elector for a political party, a person must be affiliated with the party. TX Code § 192.003: "METHOD OF BECOMING ELECTOR CANDIDATE. To become a presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for president."</p> <p><a href="http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.192.htm">http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.192.htm</a></p> <p>TX Republican Party Rule 39: At the Biennial State Convention in presidential election years, the delegates from each Congressional District shall nominate one (1) Presidential Elector and such nomination shall be presented to the National Nominations Committee; additionally, the National Nominations Committee shall select additional nominees to bring to total number of nominees to the number allowed by law. <a href="http://www.texasgop.org/wp-content/uploads/2014/01/2012-RPT-Rules-as-amended-by-SREC-12.07.13.pdf">http://www.texasgop.org/wp-content/uploads/2014/01/2012-RPT-Rules-as-amended-by-SREC-12.07.13.pdf</a>.</p> <p>In addition, vacancies in the EC must be filled by a person who resides in the CD of the person to be replaced.</p>	<p>CD18. Actual residence in CD2. 9626 SPRINGVIEW LN HOUSTON TX 77080-1242</p>

	A	B	C	D
1	state	elector	State Constitutional or Statutory Dual Office of Trust/Profit Prohibiition.	How Elector Violates Prohibitions re Office of Trust or Profit or Holding Dual Offices laws and Supporting Evidence, including violative office held.
2	Alabama	Frank Burt, Jr.	"No person holding an office of profit under the United States...shall, during his continuance in such office, hold any office of profit under this state; nor, unless otherwise provided in this Constitution, shall any person hold two offices of profit at one and the same time under this state, except justices of the peace, constables, notaries public, and commissioner of deeds." Ala. Const. Art. XVII § 280. "No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this state, nor shall any person hold two offices of profit at one and the same time under this state, except constables, notaries public and commissioners of deeds." AL Code § 36-2-1(b). "The following officers in this state shall be elected by the qualified electors thereof: ... electors for President and Vice President of the United States..." AL Code § 17-2-1. "Each elector for President and Vice-President shall receive \$8.00 for each day he necessarily attends at the seat of government, and \$.20 for every mile traveled to and from the same, to be estimated in the same manner as is provided by law in relation to members of the Legislature from his county, to be paid, on oath of such elector, by warrant on the Treasurer." AL Code § 17-14-37.	Burt is a County Commissioner for North Baldwin County. <a href="http://baldwincountyal.gov/Government/BC-commission/district-1-commission">http://baldwincountyal.gov/Government/BC-commission/district-1-commission</a> (see screenshot).
3	Alabama	Tim Wadsworth	"No person holding an office of profit under the United States...shall, during his continuance in such office, hold any office of profit under this state; nor, unless otherwise provided in this Constitution, shall any person hold two offices of profit at one and the same time under this state, except justices of the peace, constables, notaries public, and commissioner of deeds." Ala. Const. Art. XVII § 280. "No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this state, nor shall any person hold two offices of profit at one and the same time under this state, except constables, notaries public and commissioners of deeds." AL Code § 36-2-1(b). "The following officers in this state shall be elected by the qualified electors thereof: ... electors for President and Vice President of the United States..." AL Code § 17-2-1. "Each elector for President and Vice-President shall receive \$8.00 for each day he necessarily attends at the seat of government, and \$.20 for every mile traveled to and from the same, to be estimated in the same manner as is provided by law in relation to members of the Legislature from his county, to be paid, on oath of such elector, by warrant on the Treasurer." AL Code § 17-14-37.	Wadsworth is a sitting legislator. <a href="http://www.legislature.state.al.us/aliswww/ISD/ALRepresentative.aspx?OID_SPONSOR=85929&amp;OID_PERSON=7704">http://www.legislature.state.al.us/aliswww/ISD/ALRepresentative.aspx?OID_SPONSOR=85929&amp;OID_PERSON=7704</a> (see screenshot).
4	Florida	Adrien "Bo" Rivard	Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.	This elector is the Commissioner of the Fla. Fish & Wildlife Conservation Commission. <a href="http://myfwc.com/about/commission/commissioners/rivard/">http://myfwc.com/about/commission/commissioners/rivard/</a> (see screenshot).

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5	Florida	Larry Ahern	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector represents District 66 in the Florida House of Rep (2010-date) <a href="http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4505&amp;SessionId=73">http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4505&amp;SessionId=73</a> (see screenshot).</p>
6	Florida	Brian Ballard	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a Tallahassee lobbyist: <a href="http://ballard-partners.com/team.shtml">http://ballard-partners.com/team.shtml</a>. He is also a lead Trump FL campaign advisor along w/Pam Bondi (another elector and the FL AG: <a href="http://www.tampabay.com/news/politics/stateroundup/bondi-and-lobbyist-ballard-emerge-as-top-trump-advisers-in-florida/2302210">http://www.tampabay.com/news/politics/stateroundup/bondi-and-lobbyist-ballard-emerge-as-top-trump-advisers-in-florida/2302210</a>)</p> <p>This may not be a direct violation of the statute, but it presents a potential conflict of interest.</p>
7	Florida	LizBeth Benacquisto	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a state senator: <a href="https://www.flisenate.gov/Senators/s27">https://www.flisenate.gov/Senators/s27</a> (see screenshot).</p>



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8	Florida	Pam Bondi	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is the state Attorney General: <a href="http://myfloridalegal.com/">http://myfloridalegal.com/</a> (see screenshot).</p> <p>This news article confirms that the AG Pam Bondi is this elector: <a href="http://www.tampabay.com/blogs/the-buzz-florida-politics/meet-floridas-presidential-electors-from-ballard-to-nan-rich/2301883">http://www.tampabay.com/blogs/the-buzz-florida-politics/meet-floridas-presidential-electors-from-ballard-to-nan-rich/2301883</a></p>
9	Florida	John Browning	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a member of the state Transportation Commission: <a href="http://jacksonville.com/news/2016-12-19/florida-electors-help-make-donald-trump-official">http://jacksonville.com/news/2016-12-19/florida-electors-help-make-donald-trump-official</a>, <a href="http://www.ftc.state.fl.us/members.shtm">http://www.ftc.state.fl.us/members.shtm</a> (see screenshot). He also, shortly before the EC vote, used Facebook to insult a person wearing a headscarf: <a href="http://www.news-journalonline.com/news/20161112/transportation-official-apologizes-for-belittling-facebook-post">http://www.news-journalonline.com/news/20161112/transportation-official-apologizes-for-belittling-facebook-post</a>.</p>
10	Florida	Joe Gruters	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a newly-elected member of the State House: <a href="http://www.nytimes.com/elections/results/florida-state-house-district-73">http://www.nytimes.com/elections/results/florida-state-house-district-73</a> (see screenshot). Fla. Const. III.15.d stipulates that legislators assume office as soon as elected: "Members of the legislature shall take office upon election." Presumably upon officially final vote tallies. And that (final official Fla. legislative election vote tallies) had to be done before Dec. 19. It follows that Gruters would have been a sworn-in state legislators on December 19, when he served as an elector.</p>

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11	Florida	Blaise Ingoglia	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a member of the State House:  <a href="http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4603">http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4603</a> (see screenshot).</p>
12	Florida	Joe Negron	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a member of the State Senate:  <a href="http://www.flsenate.gov/Offices/President">http://www.flsenate.gov/Offices/President</a> (see screenshot).</p>
13	Florida	Clint Pate	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a county commissioner:  <a href="http://www.jacksoncountyfl.net/commissioners/district-2">http://www.jacksoncountyfl.net/commissioners/district-2</a> (see screenshot).</p>



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14	Florida	Ray Rodrigues	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a member of the State House:  <a href="http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4572">http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4572</a> (see screenshot).</p>
15	Florida	Carlos Trujillo	<p>Fla. Const. Art. 2 § 5(a). SECTION 5. Public officers.— (a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, taxation and budget reform commission, constitutional convention, or statutory body having only advisory powers. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS BC VOTED INTO OFFICE AT GENERAL ELECTION: FLA. STAT. 103.011 Electors of President and Vice President.—Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes. Fla. Stat. 103.071 Compensation of electors.—Each presidential elector attending as such in Tallahassee shall be reimbursed for his or her travel expenses, as provided in s. 112.061, from the elector’s place of residence to Tallahassee and return.</p>	<p>This elector is a member of the State House:  <a href="http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4527">http://www.myfloridahouse.gov/Sections/Representatives/details.aspx?MemberId=4527</a> (see screenshot).</p>
16	Georgia	Brian K Burdette	<p>"No person holding any civil appointment or office having any emolument annexed thereto under the United States, this state, or any other state shall have a seat in either house. No Senator or Representative shall be elected by the General Assembly or appointed by the Governor to any office or appointment having any emolument annexed thereto during the time for which such person shall have been elected unless the Senator or Representative shall first resign the seat to which elected; provided, however, that, during the term for which elected, no Senator or Representative shall be appointed to any civil office which has been created during such term." Ga. Const. Art. 3 § 2 Para. 4. "At the November election ... there shall be elected by the electors of this state persons to be known as electors of President and Vice President of the United States and referred to in this chapter as presidential electors, equal in number to the whole number of senators and representatives to which this state may be entitled in the Congress of the United States." GA Code § 21-2-10. "Public office means every federal, state, county, and municipal office to which persons can be elected by a vote of the electors under the laws of this state or the respective municipal charters, except that the term shall not include the office of soil and water conservation district supervisor." GA Code § 21-2-2(30). "Each presidential elector shall receive from the state treasury the sum of \$50.00 for every day spent in traveling to, remaining at, and returning from the place of meeting and shall be entitled to mileage at the rate of 10 cent(s) per mile to and from his or her home." GA Code § 21-2-13.</p>	<p>This elector serves on the state School Board: <a href="https://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/Pages/Brian-K.-Burdette-.aspx">https://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/Pages/Brian-K.-Burdette-.aspx</a> (see screenshot).</p>

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17	Georgia	James Randolph Evans	<p>"No person holding any civil appointment or office having any emolument annexed thereto under the United States, this state, or any other state shall have a seat in either house. No Senator or Representative shall be elected by the General Assembly or appointed by the Governor to any office or appointment having any emolument annexed thereto during the time for which such person shall have been elected unless the Senator or Representative shall first resign the seat to which elected; provided, however, that, during the term for which elected, no Senator or Representative shall be appointed to any civil office which has been created during such term." Ga. Const. Art. 3 § 2 Para. 4. "At the November election ... there shall be elected by the electors of this state persons to be known as electors of President and Vice President of the United States and referred to in this chapter as presidential electors, equal in number to the whole number of senators and representatives to which this state may be entitled in the Congress of the United States." GA Code § 21-2-10. "Public office means every federal, state, county, and municipal office to which persons can be elected by a vote of the electors under the laws of this state or the respective municipal charters, except that the term shall not include the office of soil and water conservation district supervisor." GA Code § 21-2-2(30). "Each presidential elector shall receive from the state treasury the sum of \$50.00 for every day spent in traveling to, remaining at, and returning from the place of meeting and shall be entitled to mileage at the rate of 10 cent(s) per mile to and from his or her home." GA Code § 21-2-13.</p>	<p>This elector serves as the co-Chair of the state Judicial Nominating Commission, a public office: <a href="http://jnc.georgia.gov/members">http://jnc.georgia.gov/members</a> (see screenshot).</p>
18	Georgia	Michael Neil McNeely	<p>"No person holding any civil appointment or office having any emolument annexed thereto under the United States, this state, or any other state shall have a seat in either house. No Senator or Representative shall be elected by the General Assembly or appointed by the Governor to any office or appointment having any emolument annexed thereto during the time for which such person shall have been elected unless the Senator or Representative shall first resign the seat to which elected; provided, however, that, during the term for which elected, no Senator or Representative shall be appointed to any civil office which has been created during such term." Ga. Const. Art. 3 § 2 Para. 4. "At the November election ... there shall be elected by the electors of this state persons to be known as electors of President and Vice President of the United States and referred to in this chapter as presidential electors, equal in number to the whole number of senators and representatives to which this state may be entitled in the Congress of the United States." GA Code § 21-2-10. "Public office means every federal, state, county, and municipal office to which persons can be elected by a vote of the electors under the laws of this state or the respective municipal charters, except that the term shall not include the office of soil and water conservation district supervisor." GA Code § 21-2-2(30). "Each presidential elector shall receive from the state treasury the sum of \$50.00 for every day spent in traveling to, remaining at, and returning from the place of meeting and shall be entitled to mileage at the rate of 10 cent(s) per mile to and from his or her home." GA Code § 21-2-13.</p>	<p>This elector is a Deputy Commissioner at the state Department of Juvenile Justice: <a href="https://about.me/michaelmcneely">https://about.me/michaelmcneely</a> (see screenshot).</p>
19	Georgia	Neil LPruitt	<p>"No person holding any civil appointment or office having any emolument annexed thereto under the United States, this state, or any other state shall have a seat in either house. No Senator or Representative shall be elected by the General Assembly or appointed by the Governor to any office or appointment having any emolument annexed thereto during the time for which such person shall have been elected unless the Senator or Representative shall first resign the seat to which elected; provided, however, that, during the term for which elected, no Senator or Representative shall be appointed to any civil office which has been created during such term." Ga. Const. Art. 3 § 2 Para. 4. "At the November election ... there shall be elected by the electors of this state persons to be known as electors of President and Vice President of the United States and referred to in this chapter as presidential electors, equal in number to the whole number of senators and representatives to which this state may be entitled in the Congress of the United States." GA Code § 21-2-10. "Public office means every federal, state, county, and municipal office to which persons can be elected by a vote of the electors under the laws of this state or the respective municipal charters, except that the term shall not include the office of soil and water conservation district supervisor." GA Code § 21-2-2(30). "Each presidential elector shall receive from the state treasury the sum of \$50.00 for every day spent in traveling to, remaining at, and returning from the place of meeting and shall be entitled to mileage at the rate of 10 cent(s) per mile to and from his or her home." GA Code § 21-2-13.</p>	<p>This elector serves on the state University Board of Regents: <a href="http://www.usg.edu/regents/members">http://www.usg.edu/regents/members</a> (see screenshot).</p>

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20	Iowa	Don Kass	Iowa Code § 39.11 More than one office prohibited. Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council or soil and water conservation district commission. I.C.A. Const. Art. 3, § 22. Disqualification. SEC. 22. No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to hold a seat in the general assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative. I.C.A. 54.9 Compensation. The electors shall each receive a compensation of five dollars for every day's attendance, and the same mileage as members of the general assembly which shall be paid from funds not otherwise appropriated from the general fund of the state. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS. I.C.A. 54.2 How elected. A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.	This elector serves on a County Board of Supervisors: <a href="http://www.co.plymouth.ia.us/departments/board.aspx">http://www.co.plymouth.ia.us/departments/board.aspx</a> (see screenshot).
21	Iowa	Dylan Keller	Iowa Code § 39.11 More than one office prohibited. Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council or soil and water conservation district commission. I.C.A. Const. Art. 3, § 22. Disqualification. SEC. 22. No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to hold a seat in the general assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative. I.C.A. 54.9 Compensation. The electors shall each receive a compensation of five dollars for every day's attendance, and the same mileage as members of the general assembly which shall be paid from funds not otherwise appropriated from the general fund of the state. PRESIDENTIAL ELECTORS ARE OFFICE HOLDERS. I.C.A. 54.2 How elected. A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.	This elector serves as the Executive Secretary to the state Senate Majority Leader: <a href="https://www.linkedin.com/in/dckeller10?authType=NAME_SEARCH&amp;authToken=6uJi&amp;locale=en_US&amp;trk=tyah&amp;trkInfo=clickedVertical%3Amynetwork%2CclickedEntityId%3A202930104%2CauthType%3ANAME_SEARCH%2Cidx%3A1-1%2CtarId%3A1483453481078%2Ctas%3Adylan%20keller">https://www.linkedin.com/in/dckeller10?authType=NAME_SEARCH&amp;authToken=6uJi&amp;locale=en_US&amp;trk=tyah&amp;trkInfo=clickedVertical%3Amynetwork%2CclickedEntityId%3A202930104%2CauthType%3ANAME_SEARCH%2Cidx%3A1-1%2CtarId%3A1483453481078%2Ctas%3Adylan%20keller</a> (see screenshot).
22	Kansas	Helen Van Etten	K.S.A. Const. Art. 2, § 5 Eligibility and disqualification of members. No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature. The Supreme Court of Kansas has espoused a common law prohibition against holding incompatible positions. Unified Sch. Dist. No. 501, Shawnee Cnty., Kan. v. Baker, 269 Kan. 239, 6 P.3d 848 (2000). "State statute defines national election as "the election of members of the United States house of representatives, members of the United States senate or members of the United States presidential electoral college," K.S.A. 25-2503," Attorney General Opinion 92-66.	This elector is a member of the state Board of Regents: <a href="http://www.kansasregents.org/about/meet_the_board/helen_van_etten">http://www.kansasregents.org/about/meet_the_board/helen_van_etten</a> (see screenshot).
23	Kansas	Mark Kahrs	K.S.A. Const. Art. 2, § 5 Eligibility and disqualification of members. No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature. The Supreme Court of Kansas has espoused a common law prohibition against holding incompatible positions. Unified Sch. Dist. No. 501, Shawnee Cnty., Kan. v. Baker, 269 Kan. 239, 6 P.3d 848 (2000). "State statute defines national election as "the election of members of the United States house of representatives, members of the United States senate or members of the United States presidential electoral college," K.S.A. 25-2503," Attorney General Opinion 92-66.	This elector is a member of the State House of Representatives: <a href="http://www.kahrsforkansas.com/">http://www.kahrsforkansas.com/</a> (see screenshot).

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24	Kansas	Ron Estes	K.S.A. Const. Art. 2, § 5 Eligibility and disqualification of members. No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature. The Supreme Court of Kansas has espoused a common law prohibition against holding incompatible positions. Unified Sch. Dist. No. 501, Shawnee Cnty., Kan. v. Baker, 269 Kan. 239, 6 P.3d 848 (2000). "State statute defines national election as "the election of members of the United States house of representatives, members of the United States senate or members of the United States presidential electoral college," K.S.A. 25-2503," Attorney General Opinion 92-66.	Ron Estes-Kansas State Treasurer, elected in 2011. The Supreme Court of Kansas has espoused a common law prohibition against holding incompatible positions. Unified Sch. Dist. No. 501, Shawnee Cnty., Kan. v. Baker, 269 Kan. 239, 6 P.3d 848 (2000).
25	Kansas	Kelly Arnold	K.S.A. Const. Art. 2, § 5 Eligibility and disqualification of members. No member of congress and no civil officer or employee of the United States or of any department, agency, or instrumentality thereof shall be eligible to be a member of the legislature. Any member of the legislature who accepts any appointment or election contrary to the foregoing shall be disqualified as a member of the legislature. The Supreme Court of Kansas has espoused a common law prohibition against holding incompatible positions. Unified Sch. Dist. No. 501, Shawnee Cnty., Kan. v. Baker, 269 Kan. 239, 6 P.3d 848 (2000). "State statute defines national election as "the election of members of the United States house of representatives, members of the United States senate or members of the United States presidential electoral college," K.S.A. 25-2503," Attorney General Opinion 92-66.	Kelly Arnold-Trustee of Kansas Public Employee Retirement, appointed by Governor in 2013. Sedgwick County Clerk. The Supreme Court of Kansas has espoused a common law prohibition against holding incompatible positions. Unified Sch. Dist. No. 501, Shawnee Cnty., Kan. v. Baker, 269 Kan. 239, 6 P.3d 848 (2000).
26	KY	Scott Lasley	"No person shall, at the same time, be a state officer, a deputy state officer, or a member of the General Assembly, and an officer of any county, city, consolidated local government, or other municipality, or an employee thereof." Ky. Const. Section 165; KY Code § 61.080 (1) et al.	This elector is an employee of a state university: <a href="http://www.wku.edu/political-science/staff/scott_lasley">http://www.wku.edu/political-science/staff/scott_lasley</a> (see screenshot).
27	Michigan	Brian Fairbrother	MCLS Const. Art. IV, § 8. M.C.L.INCOMPATIBLE PUBLIC OFFICES Act 566 of 1978 AN ACT to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies.	This elector is a township Deputy Clerk: <a href="http://www.macombdaily.com/article/MD/20161117/NEWS/161119680">http://www.macombdaily.com/article/MD/20161117/NEWS/161119680</a> (see screenshot).
28			No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. Mo. Const. Art. III, § 12 You must meet the following requirements to qualify for voter registration in Missouri: Be a U.S. citizen. Voter Eligibility in Missouri. Be at least 17 1/2 years old to register, and 18 years old by Election Day. Be a resident of Missouri. NOT be: On parole or probation due to a felony conviction. Convicted of a felony related to voting or the right of suffrage. Imprisoned or confined due to a criminal sentence. <a href="http://www.dmv.org/mo-missouri/voter-registration.php">http://www.dmv.org/mo-missouri/voter-registration.php</a>	"Tim Dreste was ordered to pay \$6M in federal court for threatening abortion clinics." <a href="http://www.politico.com/magazine/thepeoplewhopickthepresident/2016/the-anti-abortion-radical">http://www.politico.com/magazine/thepeoplewhopickthepresident/2016/the-anti-abortion-radical</a> . Article re his conviction of Federal Racketeering in 1999 for conspiring to "kill, assault or do bodily harm" to abortion providers. Why does this man still have a voter registration card? Why did the Missouri State Republican Party choose him as an elector? <a href="http://www.riverfronttimes.com/stlouis/the-conviction-of-tim-dreste/Content?oid=2476501">http://www.riverfronttimes.com/stlouis/the-conviction-of-tim-dreste/Content?oid=2476501</a> "In addition to...arrests, jail time, fines and more arrests, the 40-year-old St. Louis...co-conspired and threatened to kill, assault or do bodily harm to physicians who provide abortions."
29	Missouri	Cherry Warren	No person holding any lucrative office or employment under the United States, this state or any municipality thereof shall hold the office of senator or representative. Mo. Const. Art. III, § 12	This elector is a county commissioner: <a href="http://mocounties.com/barry-county-.php">http://mocounties.com/barry-county-.php</a> (see screenshot).



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30	Nebraska	Paul Berger	Ne. Const. Art. III, § 9: No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. Except as otherwise provided by law, a member of the Legislature who is elected to any other state or local office prior to the end of his or her term in the Legislature shall resign from the Legislature prior to the commencement of the legislative session during which the term of the state or local office will begin.	This elector works for the University of NE at Kearney.
31	North Carolina	Martha Jenkins	N.C. Const. art. VI, § 9(1). "No person who holds any office or place of trust or profit under the United States or any department thereof, or under any other state or government, shall be eligible to hold any office in this State that is filled by election by the people." NCGS § 163-209.1. Notification of political parties of dual-office holding rules. During January of each year in which electors are elected, the Secretary of State shall notify each political party authorized to nominate electors of (i) the requirement under G.S. 163-1(c) to nominate first and second alternate electors, and (ii) the dual-office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office. (2009-96, s. 3.)	This elector is the legislative liaison for NC Dept of Cultural Resources as a salaried employee: <a href="https://www.prlog.org/12091543-martha-jenkins-appointed-legislative-liaison-at-nc-department-of-cultural-resources.html">https://www.prlog.org/12091543-martha-jenkins-appointed-legislative-liaison-at-nc-department-of-cultural-resources.html</a> (see screenshot).
32	Ohio	Robert Scott (replaced Christina Hagan)	"No member of the general assembly shall, during the term for which he was elected, unless during such term he resigns therefrom, hold any public office under the United States, or this state, or a political subdivision thereof; but this provision does not extend to officers of a political party, notaries public, or officers of the militia or of the United States armed forces." Oh. Const. Art. II, § 4. "Each presidential elector shall receive ten dollars for each day's attendance in Columbus as such and mileage at the rate of ten cents per mile for the estimated distance by the usual route from his place of residence to Columbus. Such compensation and mileage shall be upon vouchers issued by the secretary of state, and shall be paid by the treasurer of state out of the general fund." OH Code 3505.39.	This elector serves on the Kettering City Council. The Kettering City Council Charter, Section 3-4: "No member of Council shall hold any other elected public office..." <a href="http://www.ketteringoh.org/wp-content/uploads/2013/04/Revised-City-Charter-2016.pdf">http://www.ketteringoh.org/wp-content/uploads/2013/04/Revised-City-Charter-2016.pdf</a> . State law requires major political parties to hold conventions and nominate people "as candidates for election as presidential electors." Ohio Revised Code § 3513.11. The state Supreme Court has ruled that the position of presidential elector is a state office. Therefore, Scott is prohibited by the Kettering City Charter from serving as an elector.
33	Oklahoma	Bobby Cleveland	No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State; provided, neither the provisions of this section nor any other provisions of this Constitution or state law shall be construed to prohibit the following officeholders from holding at the same time any other office of trust or profit: 1. Officers and enlisted members of the National Guard; 2. Officers and enlisted members of the National Guard Reserve; 3. Officers of the Officers Reserve Corps of the United States; 4. Enlisted members of the Organized Reserves of the United States; and 5. Officers and enlisted members of the Oklahoma State Guard and any other active militia or military force organized under state law. OK Const. Art. 2, § 12; OK Const. Art. 5, § 23; 51 Okl. St. § 6	This elector is a state Rep: <a href="http://www.okhouse.gov/MEMBERS/Default.aspx">http://www.okhouse.gov/MEMBERS/Default.aspx</a> <a href="http://www.okhouse.gov/District.aspx?District=20">http://www.okhouse.gov/District.aspx?District=20</a> (see screenshot).

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34	OK	George W. Wiland, JR.	No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State; provided, neither the provisions of this section nor any other provisions of this Constitution or state law shall be construed to prohibit the following officeholders from holding at the same time any other office of trust or profit: 1. Officers and enlisted members of the National Guard; 2. Officers and enlisted members of the National Guard Reserve; 3. Officers of the Officers Reserve Corps of the United States; 4. Enlisted members of the Organized Reserves of the United States; and 5. Officers and enlisted members of the Oklahoma State Guard and any other active militia or military force organized under state law. OK Const. Art. 2, § 12; OK Const. Art. 5, § 23; 51 Okl. St. § 6	This elector is Vice Chairman at Tulsa County Election Board see <a href="https://www.facebook.com/george.wiland?pnref=story">https://www.facebook.com/george.wiland?pnref=story</a> ; The Tulsa County Election Board currently consists of three Board members and a staff of seventeen. The Board members are Elaine Dodd, Chairman; George Wiland, Vice-Chairman and Patty Bryant, Secretary. The Chairman and Vice-Chairman are appointed by their political party and the Secretary is appointed by Tulsa County senators. All appointments are certified by the State Election Board. The Chairman and Vice-Chairman are present when the Board is taking any action, such as certifying election results or conducting a contest of candidacy hearing. The Secretary of the Election Board actually directs the Board and oversees the administration of the office. <a href="http://www.tulsacounty.org/tulsacounty/electionboard.aspx">http://www.tulsacounty.org/tulsacounty/electionboard.aspx</a> ; The Chairman and Vice-Chairman are present when the Board is taking any action, such as certifying election results or conducting a contest of candidacy hearing.
35	Pennsylvania	Elstina Pickett	"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under this Commonwealth to which a salary, fee or perquisite is attached. No...person holding any office under the United States or this Commonwealth to which a salary, fee or perquisite is attached shall be a member of either House during his continuance in office." Pa. Const. Art. 2, § 6; 65 Penn. Statutes § 7.	This elector appears to be a state Rep: <a href="http://www.reppickett.com/">http://www.reppickett.com/</a> (see screenshot).
36	Pennsylvania	Carolyn "Bunny" Welsh	"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under this Commonwealth to which a salary, fee or perquisite is attached. No...person holding any office under the United States or this Commonwealth to which a salary, fee or perquisite is attached shall be a member of either House during his continuance in office." Pa. Const. Art. 2, § 6; 65 Penn. Statutes § 7.	This elector is the Chester County Sheriff: <a href="http://sheriffwelsh.com/">http://sheriffwelsh.com/</a> (see screenshot).
37	South Carolina	Glenn McCall	S.C. Const. Ann. Art. III, § 24. SECTION 24. Dual office holding. No person is eligible to a seat in the General Assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, members of lawfully and regularly organized fire departments, constables, and notaries public. If any member accepts or exercises any of the disqualifying offices or positions he shall vacate his seat. ; S.C. Const. Ann. Art. VI, § 3 SECTION 3. Dual office holding. No person may hold two offices of honor or profit at the same time. This limitation does not apply to officers in the militia, notaries public, members of lawfully and regularly organized fire departments, constables, or delegates to a constitutional convention. S.C. Const. Art. XVII Sec. 1A. SECTION 1.A Qualification for office; dual office holding. Every qualified elector [elector just means a voter here] is eligible to any office to be voted for, unless disqualified by age, as prescribed in this Constitution. No person may hold two offices of honor or profit at the same time, but any person holding another office may at the same time be an officer in the militia, member of a lawfully and regularly organized fire department, constable, or a notary public. ELECTORS ARE OFFICE HOLDERS: SC Code of Laws. SECTION 8-1-10. "Public officers" defined. The term "public officers" shall be construed to mean all officers of the State that have heretofore been commissioned and trustees of the various colleges of the State, members of various State boards and other persons whose duties are defined by law. ELECTORS ARE PAID subsistence and per diem. SC Code of Laws SECTION 7-19-110. Compensation and expenses of electors. Every elector for this State for the election of a president and vice-president of the United States who shall attend at any election of those officers and give his vote at the time and place appointed by law shall be entitled to receive for his attendance at such election and for traveling to and from his place of residence by the most usual route the regular mileage, subsistence and per diem allowance authorized for state boards, committees and commissions to be paid from appropriations to the office of the Secretary of State.	Vice Chair of the Board of Trustees of Winthrop University, a public university, and was elected legislatively; see <a href="http://www.winthrop.edu/trustees/#mccall">http://www.winthrop.edu/trustees/#mccall</a> : "Elected by the General Assembly

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38	SouthDakota	Dennis Daugaard	S.D. Const. Article III, § 3 & Common Law (Sturgis v. Koch [1998 SD 100]) "Two offices or positions are incompatible when one has the power of appointment to the other and the power to remove the other and if there are many potential conflicts of interest between the two, such as salary negotiations, supervision and control of duties and obligations to the public to exercise independent judgment."	This elector is the SD Governor. By common law (Sturgis v. Koch), an incompatible position is defined as "Two offices or positions are incompatible when one has the power of appointment to the other and the power to remove the other and if there are many potential conflicts of interest between the two, such as salary negotiations, supervision and control of duties and obligations to the public to exercise independent judgment." And under SD Codified Laws, "the Governor, in the presence of the electors attending, shall decide by lot which of such persons shall be elected... ." Thus the Governor cannot be an elector because he has the power to appoint an elector.
39	South Dakota	Pamela S. Roberts replaced Matt Michels	S.D. Const. Article III, § 3 & Common Law (Sturgis v. Koch [1998 SD 100]) "Two offices or positions are incompatible when one has the power of appointment to the other and the power to remove the other and if there are many potential conflicts of interest between the two, such as salary negotiations, supervision and control of duties and obligations to the public to exercise independent judgment."	This elector is on the state Board of Regents: <a href="https://www.sdbor.edu/the-board/members/Pages/Pamela-Roberts.aspx">https://www.sdbor.edu/the-board/members/Pages/Pamela-Roberts.aspx</a> (see screenshot).
40	South Dakota	Marty Jackley	S.D. Const. Article III, § 3 & Common Law (Sturgis v. Koch [1998 SD 100]) "Two offices or positions are incompatible when one has the power of appointment to the other and the power to remove the other and if there are many potential conflicts of interest between the two, such as salary negotiations, supervision and control of duties and obligations to the public to exercise independent judgment."	This elector is the SD Attorney General. By common law (Sturgis v. Koch), "potential conflicts of interest... such as... obligations to the public to exercise independent judgment." <a href="http://atg.sd.gov/OurOffice/bio.aspx">http://atg.sd.gov/OurOffice/bio.aspx</a> (see screenshot).
41	Tennessee	Jason Mumpower	Tenn. Const. Art. II, § 26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any Court of Record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly; nor shall any person in this state hold more than one lucrative office at the same time; provided, that no appointment in the Militia, or to the Office of Justice of the Peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either House of the General Assembly.; A State Legislator may hold a county lucrative office only holding two State government offices is prohibited. Phillips v. West, 187 Tenn. 57, 213 S.W.2d 3 (Tenn. 1948).	Jason Mumpower is the Chief of Staff for the TN Comptroller's Office which comprises 11 division and more than 500 employees. He serves as the liason to the TN General Assembly. He is also on several Boards and commissions including the Advisory Council on State Procurement and TN Housing Development Agency. <a href="http://www.comptroller.tn.gov/admin/pdf/JasonMumpowerBio.pdf">http://www.comptroller.tn.gov/admin/pdf/JasonMumpowerBio.pdf</a> ; <a href="http://www.comptroller.tn.gov/admin/">http://www.comptroller.tn.gov/admin/</a>
42	Tennessee	Drew Daniel	Tenn. Const. Art. II, § 26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any Court of Record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly; nor shall any person in this state hold more than one lucrative office at the same time; provided, that no appointment in the Militia, or to the Office of Justice of the Peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either House of the General Assembly.; A State Legislator may hold a county lucrative office only holding two State government offices is prohibited. Phillips v. West, 187 Tenn. 57, 213 S.W.2d 3 (Tenn. 1948).	Bankruptcy Collector at Shelby County Trustee <a href="http://www.shelbycountytrustee.com">http://www.shelbycountytrustee.com</a> ; <a href="https://www.linkedin.com/in/drew-daniel-89984a44">https://www.linkedin.com/in/drew-daniel-89984a44</a> . Even if his participation in the EC is not an outright violation of the Constitution, his holding two lucrative offices simultaneously presents a clear conflict of interest, making his participation in the EC a violation of the common law prohibition on conflicts of interest.
43	Texas	Thomas Moon	Tex. Const. Art. XVI, § 40; The Texas Attorney General guide to dual office holding states that “to hold “more than one civil office of emolument” means to hold two paid public offices. Public office includes both municipal and county offices.	May be presiding judge of early ballot voting for Harris County Clerk's Office: <a href="http://www.downtownhoustonpachyderm.org/">http://www.downtownhoustonpachyderm.org/</a> . Also see: <a href="https://www.fvap.gov/uploads/FVAP/Grants/Harris_application.pdf">https://www.fvap.gov/uploads/FVAP/Grants/Harris_application.pdf</a>

	A	B	C	D
44	Texas	Sherry Clark (replaced Kenneth Clark)	Tex. Const. Art. XVI, § 40; The Texas Attorney General guide to dual office holding states that “to hold “more than one civil office of emolument” means to hold two paid public offices. Public office includes both municipal and county offices.	Manager, Occupational Health Department and Student Health Services at University of Texas Southwestern Medical Center ( <a href="https://www.linkedin.com/in/sherry-clark-791418a2?trk=pub-pbmap">https://www.linkedin.com/in/sherry-clark-791418a2?trk=pub-pbmap</a> ; <a href="http://www.utsouthwestern.edu/education/student-services/student-health-service/index.html">http://www.utsouthwestern.edu/education/student-services/student-health-service/index.html</a> ). University of Texas is a government entity.
45	Texas	David Thackston	Tex. Const. Art. XVI, § 40; The Texas Attorney General guide to dual office holding states that “to hold “more than one civil office of emolument” means to hold two paid public offices. Public office includes both municipal and county offices.	Member of City of El Paso Ad Hoc Charter Advisory Committee (may have expired 2015): <a href="https://www.elpasotexas.gov/~media/files/coep/community/proposed%20charter%20amendments%20fact%20sheet.ashx?la=en">https://www.elpasotexas.gov/~media/files/coep/community/proposed%20charter%20amendments%20fact%20sheet.ashx?la=en</a>
46	Texas	John Dillard	Tex. Const. Art. XVI, § 40; The Texas Attorney General guide to dual office holding states that “to hold “more than one civil office of emolument” means to hold two paid public offices. Public office includes both municipal and county offices.	UT Arlington Libraries: <a href="http://libraries.uta.edu/dillard/">http://libraries.uta.edu/dillard/</a>
47	Utah	Richard Snelgrove	No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: Provided That appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust. Utah Const. Art. VI, § 6. (2) (a) ...a person may not: (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year. Utah Code Ann. § 20A-9-201	At-large member of Salt Lake County Council. Website says Snelgrove was up for reelection in 2016. <a href="http://slco.org/council/richard-snelgrove/">http://slco.org/council/richard-snelgrove/</a>
48	West Virginia	Patrick Morrisey	No person holding any other lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the legislature. W. Va. Const. Art. VI, § 13.	This is the Attorney General of the State of West Virginia. His service in the Electoral College may well violate the state's Ethics Act and/or state Supreme Court rulings on the common law doctrine of incompatibility. <a href="http://www.ethics.wv.gov/SiteCollectionDocuments/PDF%20Advisory%20Opinions/2012-Opinions/AO%202012-51.pdf">http://www.ethics.wv.gov/SiteCollectionDocuments/PDF%20Advisory%20Opinions/2012-Opinions/AO%202012-51.pdf</a>
49	West Virginia	Mac Warner	No person holding any other lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the legislature. W. Va. Const. Art. VI, § 13.	This is the incoming Secretary of State. He was literally campaigning to serve as SoS while serving in the EC. His service in the EC very well might violate the state's Ethics Law and state Supreme Court rulings on the doctrine of incompatibility.
50	West Virginia	Bill Cole	No person holding any other lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; and no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the legislature. W. Va. Const. Art. VI, § 13.	This is the President of the Senate, and he ran for Governor in 2016. His service in the EC is an outright violation of the state Constitution, and probably a violation of the state Ethics Law and state Supreme Court rulings on the common law doctrine of incompatibility.



	A	B	C	D
1	state	# of electors per state	<p>U.S. Const. 12 Amd. mandates there must be two separate lists of electoral votes for President and then VP. "[Electors] shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President , <b>and of the number of votes for each</b>, which lists they shall sign and certify,...."</p> <p>See also 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State." (It does NOT say "of the NUMBER of votes for" thus "votes" appears to mean the electors who voted for that person for Pres. and that person for VP). SEE BELOW SC STATUTE INCLUDES "TWO DISTINCT LISTS" MAINE SAYS "NUMBERS" AND OTHERS THAT CODIFY FEDERAL LAW BY INCORPORATING IT.</p>	<p><b>Does this state's Certificate of Vote have only one list of voters or are the Pres &amp; VP votes properly separated out into 2 lists. One List or Two Lists? All states Certificates of Vote are included in the state folders and links are at <a href="https://www.archives.gov/federal-register/electoral-college/2016/certificates-of-vote.html">https://www.archives.gov/federal-register/electoral-college/2016/certificates-of-vote.html</a></b></p>
2	Alabama	9	<p>AL Code Section 17-14-36 Electoral meeting; filling of vacancies. The electors of President and Vice President are to assemble at the office of the Secretary of State, at the seat of government at 12:00 noon on the second Tuesday in December next after their election, or at that hour on such other day as may be fixed by Congress, to elect such President and Vice President, and those of them present at that hour must at once proceed by ballot and plurality of votes to supply the places of those who fail to attend on that day and hour.</p>	<p>Only one list of votes on Alabama Certificate of Vote; therefore, all 9 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."</p>
3	Alaska	3	<p>Codifies federal law. Alaska Statutes 2015 Sec. 15.30.090. Duties of electors.</p> <p>After any vacancies have been filled, the electors shall proceed to cast their votes for the candidates for the office of President and Vice-President of the party that selected them as candidates for electors, or for the candidates for the office of President and Vice-President under AS 15.30.026 if the electors were named under AS 15.30.026, and shall perform the duties of electors as required by the constitution and laws of the United States.</p>	<p>Two distinct lists, one for Pres &amp; one for VP</p>
4	Arizona	11		<p>Two distinct lists, one for Pres &amp; one for VP</p>
5	Arkansas	6		<p>Two distinct lists, one for Pres &amp; one for VP</p>

	A	B	C	D
6	Florida	29	Nothing in Fla. Statute about two lists or following the federal law. FLA. STAT. 103.061 Meeting of electors and filling of vacancies.—Each presidential elector shall, on the day fixed by Congress to elect a President and Vice President and at the time fixed by the Governor, give notice to the Governor that the elector is in Tallahassee and ready to perform the duties of presidential elector. The Governor shall forthwith deliver to the presidential electors present a certificate of the names of all the electors....	Only one list of votes on Florida Certificate of Vote; therefore, all 29 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."
7	Georgia	16		two lists
8	Idaho	4	INCORPORATES FED LAW: IDAHO STATUTES 34-1503. MEETING OF ELECTORS. The electors chosen to elect a president and vice-president of the United States shall, at twelve (12) o'clock noon on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this state, and then and there perform the duties enjoined upon them by the Constitution and laws of the United States.	Only one list of votes on Idaho Certificate of Vote; therefore, all 4 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.
9	Indiana	11	CODIFIES FEDERAL LAW. IC 3-10-4-9 Voting procedure Sec. 9. The presidential electors, when assembled and after vacancies are filled, shall then vote by paper ballot for President and Vice President of the United States and perform the duties imposed upon them by the Constitution and statutes of the United States and of this state. AND arguably not lawfully certified because the state codified federal law.	Only one list of votes on Indiana Certificate of Vote; therefore, all 11 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.
10	Iowa	6	IOWA CODE 54.8 Certificate of governor. When so met, the said electors shall proceed, in the manner pointed out by law, with the election, and the governor shall duly certify the result thereof, under the seal of the state, to the United States secretary of state, and as required by Act of Congress relating to such elections.	Only one list of votes on Iowa Certificate of Vote; therefore, all 6 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."

	A	B	C	D
11	Kansas	6	CODIFIED FEDERAL LAW. KANSAS STATUTES 25-802. Meeting of electors; vacancies, how filled; duties of electors. The electors of president and vice-president of the United States shall convene at the capital of the state on the first Monday after the second Wednesday in December after their election, at the hour of twelve o'clock at noon of that day; and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill, by ballot and by a plurality of votes, such vacancy in the electoral college; and when the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the constitution and laws of the United States.	Only one list of votes on Kansas Certificate of Vote; therefore, all 6 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.
12	Kentucky	8		two lists
13	Louisiana	8		two lists
14	Michigan	16	CODIFIES FEDERAL LAW. M.C.L. 168.47 Convening of presidential electors; time and place thereof; resignations; refusal or failure to vote; vacancies. The electors of president and vice-president shall convene in the senate chamber at the capitol of the state at 2 p.m., eastern standard time, on the first Monday after the second Wednesday in December following their election. At any time before receipt of the certificate of the governor or within 48 hours thereafter, an elector may resign by submitting his written and verified resignation to the governor. Failure to so resign signifies consent to serve and to cast his vote for the candidates for president and vice-president appearing on the Michigan ballot of the political party which nominated him. Refusal or failure to vote for the candidates for president and vice-president appearing on the Michigan ballot of the political party which nominated the elector constitutes a resignation from the office of elector, his vote shall not be recorded and the remaining electors shall forthwith fill the vacancy. The ballot used by the elector shall bear the name of the elector. If at the time of convening there is any vacancy caused by death, resignation, refusal or failure to vote, neglect to attend, or ineligibility of any person elected, or for any other cause, the qualified electors of president and vice-president shall proceed to fill such vacancy by ballot, by a plurality of votes. When all the electors appear and the vacancy shall be filled, they shall proceed to perform the duties of such electors, as required by the constitution and laws of the United States. If congress hereafter fixes a different day for such meeting, the electors shall meet and give their votes on the day designated by act of congress.	Only one list of votes on Michigan Certificate of Vote; therefore, all 16 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.

	A	B	C	D
15	Mississippi	6		two lists
16	Missouri	10		two lists
17	Montana	3	<p>DOES NOT CODIFY FEDERAL LAW OR TRACK IT IN THE STATUTE. M.C.A. 13-25-307. Elector voting. (1) The electors shall meet in Helena at 2 p.m. on the first Monday after the second Wednesday in December following their election. (2) After all vacant positions have been filled pursuant to 13-25-306, the secretary of state shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's vote for the office of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.</p> <p>(3) Unless otherwise provided by law, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under 13-25-304 or 13-25-306(3).</p>	<p>Only one list of votes on Montana Certificate of Vote; therefore, all 3 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."</p>
18	Nebraska	5	<p>N.R.S. 32-714. Presidential electors; vacancies; how filled; meeting; procedure; violation of pledge; effect. (1) The Governor shall provide each presidential elector with a list of all the presidential electors. If any presidential elector is absent or if there is a deficiency in the proper number of presidential electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect as required in this subsection by 3 p.m. of such day or in case of a vacancy created under subsection (4) of this section, the Governor shall fill the vacancies by appointment. Each appointee shall execute the pledge in section 32-713. After all vacancies are filled, the presidential electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States.</p>	<p>Only one list of votes on Nebraska Certificate of Vote; therefore, all 5 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.</p>
19	North Carolina	15	NO NCGS ON POINT.	<p>Only one list of votes on North Carolina Certificate of Vote; therefore, all 15 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."</p>

	A	B	C	D
20	North Dakota	3	<p>N.D.C.C. 16.1-14-04. Meeting of presidential electors.  Presidential electors shall meet at one p.m. in the office of the governor in the state capitol  on the first Monday after the second Wednesday in December next following their appointments  by election for the purpose of casting their ballots as members of the electoral college. The  secretary of state shall notify the electors of the date of the meeting.</p>	<p>Only one list of votes on North Dakota Certificate of Vote; therefore, all 3 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."</p>
21	Ohio	18	<p>CODIFIED FEDERAL LAW. OH. CODE 3505.39 Meeting of state's presidential electors. All of the state's presidential electors, both those duly elected who are then present and those appointed as herein provided, shall then meet and organize by electing one of their number as chairman and by designating the secretary of state as ex officio secretary and shall then and there discharge all of the duties enjoined upon presidential electors by the constitution and laws of the United States.</p>	<p>Only one list of votes on Ohio Certificate of Vote; therefore, all 18 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.</p>
22	Oklahoma	7	<p>OK. STAT. §26-10-107. Electors to meet - Duties.  Persons chosen as Presidential Electors shall meet at 10:00 a.m. in the Governor's office at the time appointed by the laws of the United States and cast their votes in the manner therein provided and perform such duties as may be required by law.</p>	<p>Only one list of votes on Oklahoma Certificate of Vote; therefore, all 7 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."</p>
23	Pennsylvania	20	<p>CODIFIED FEDERAL LAW. 25 P.S. § 3192 Meeting of electors; duties. The electors chosen, as aforesaid, shall assemble at the seat of government of this Commonwealth, at 12 o'clock noon of the day which is, or may be, directed by the Congress of the United States, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.</p>	<p>Only one list of votes on Pennsylvania Certificate of Vote; therefore, all 20 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.</p>

	A	B	C	D
24	South Carolina	9	CODIFIES FEDERAL LAW. S.C. Code of Laws Sec. 7-19-90. Meeting of electors; organization; balloting and certification of results. ... The electors shall make and sign six certificates of all the votes given by them for President and Vice President, each of which certificates shall contain two distinct lists, one of the votes for President and the other for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by the Secretary of State by direction of the Governor. AND SECTION 7-19-100. Disposition of certificates and lists. The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner....	Only one list of votes on South Carolina Certificate of Vote; therefore, all 9 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because the state statute SPECIFICALLY CALLS FOR "TWO DISTINCT LISTS" -- the only one of the red state statutes that does.
25	South Dakota	3	CODIFIED FEDERAL LAW. S.D.C.L. 12-24-4. Time and place of performance of constitutional duties by electors. The electors of President and vice president shall, at twelve noon on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this state and then and there perform the duties enjoined upon them by the Constitution and laws of the United States.	Only one list of votes on South Dakota Certificate of Vote; therefore, all 3 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.
26	Tennessee	11	CODIFIES FEDERAL LAW. Tenn. Code Ann. § 2-15-104 (2016) Meeting of electors. (a) The electors shall meet at the seat of government of this state at the time prescribed by the laws of the United States and perform the duties required of them by the laws of the United States.	Only one list of votes on Tennessee Certificate of Vote; therefore, all 11 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.
27	Texas	36	CODIFIES FEDERAL LAW. TX. STATUTES Sec. 192.006. MEETING OF ELECTORS. (a) The electors shall convene at the State Capitol at 2 p.m. on the first Monday after the second Wednesday in December following their election and shall perform their duties as prescribed by federal law.	Only one list of votes on Texas Certificate of Vote; therefore, all 36 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.
28	Utah	6	CODIFIES FEDERAL LAW. Utah Code 20A-13-304. Meeting to ballot -- Casting ballot for person not nominated by elector's party. (1) The electors shall meet at the office of the lieutenant governor at the state capitol at noon of the first Wednesday of the January after their election, or at noon of any other day designated by the Congress of the United States of America. (2) After convening, the electors shall perform their duties in conformity with the United States Constitution and laws.	Only one list of votes on Utah Certificate of Vote; therefore, all 6 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.



	A	B	C	D
29	West Virginia	5	<p>CODIFIES FEDERAL LAW. WV Code §3-1-14. Presidential electors; how chosen; duties; vacancies; compensation. Electors of president and vice president of the United States shall be nominated as provided in section twenty-one of article five of this chapter but their names shall be omitted from the general election ballot, as provided in section two of article six of this chapter, to be voted on the Tuesday next after the first Monday in November in the year nineteen hundred and sixty-four and every fourth year thereafter. The presidential electors shall meet in the office of the governor at the capital of this state, on the day now appointed, or which shall hereafter be appointed, by the Congress of the United States and vote for the president and for the vice president of the United States in the manner prescribed by the constitution and the laws of the United States.</p>	<p>Only one list of votes on West Virginia Certificate of Vote; therefore, all 5 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.</p>
30	Wisconsin	10	<p>CODIFIES FEDERAL LAW.</p> <p>WISC. STATUTES 7.75 Presidential electors meeting.</p> <p>(1) The electors for president and vice president shall meet at the state capitol following the presidential election at 12:00 noon the first Monday after the 2nd Wednesday in December. If there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy. When all electors are present, or the vacancies filled, they shall perform their required duties under the constitution and laws of the United States.</p> <p>(2) The presidential electors, when convened, shall vote by ballot for that person for president and that person for vice president who are, respectively, the candidates of the political party which nominated them under s. 8.18, the candidates whose names appeared on the nomination papers filed under s. 8.20, or the candidate or candidates who filed their names under s. 8.185 (2), except that at least one of the persons for whom the electors vote may not be an inhabitant of this state.</p>	<p>Only one list of votes on Wisconsin Certificate of Vote; therefore, all 10 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.</p>

	A	B	C	D
31	Wyoming	3	<p>CODIFIES FEDERAL LAW. WY STATUTES 22-19-106. Certified electors to meet; vacancies. Certified electors shall convene in the office of the secretary of state at 12:00 noon on the Monday following the second Wednesday in December of presidential election years..... WY. STATUTES. 22-19-107. College of electors; duties. When all electors are present and vacancies filled they shall constitute the college of electors of the state of Wyoming and shall perform duties as required by the constitution and laws of the United States.</p>	<p>Only one list of votes on Wyoming Certificate of Vote; therefore, all 3 electoral votes were not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...." RED because state law incorporates federal law.</p>
32	Maine	1 vote for Trump	<p>M.R.S. §805. Convention duties The duties of the presidential electors in convention are as follows. [1985, c. 161, §6 (NEW).]</p> <p>1. Separate ballots. When convened as required by section 804, the presidential electors shall each cast separate ballots for President and Vice President, at least one of whom must not be a resident of this State. [ 1985, c. 161, §6 (NEW) .]</p> <p>2. Presidential electors. The presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State. The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in each respective congressional district. [ 1985, c. 161, §6 (NEW) .]</p> <p>3. Certificate prepared and sent. The presidential electors shall make and subscribe to 6 certificates <b>containing the number of votes cast separately for President and Vice President</b>. They shall attach one of the lists of electors furnished them by the Governor to each certificate. They shall seal each certificate and attached list in an envelope stating that a certificate of the votes of this State for President and Vice President is contained inside.</p>	<p>Only one list of votes on Maine Certificate of Vote; therefore, the 1 Trump electoral vote was not regularly given because they violate 3 USC Ch. 1 § 9. "The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President...."</p>



# Counting Electoral Votes: An Overview of Procedures at the Joint Session, Including Objections by Members of Congress

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## Summary

The Constitution and federal law establish a detailed timetable following the presidential election during which time the members of the electoral college convene in the 50 state capitals and in the District of Columbia, cast their votes for President and Vice President, and submit their votes through state officials to both houses of Congress. The electoral votes are scheduled to be opened before a joint session of Congress on January 6, 2017. Federal law specifies the procedures which are to be followed at this session and provides procedures for challenges to the validity of an electoral vote. This report describes the steps in the process and precedents set in prior presidential elections governing the actions of the House and Senate in certifying the electoral vote and in responding to challenges of the validity of one or more electoral votes from one or more states.

This report has been revised, and will be updated on a periodic basis to provide the dates for the relevant joint session of Congress, and to reflect any new, relevant precedents or practices.

## Contents

Actions Leading Up to the Joint Session.....	1
Appointment of Electors: Election Day .....	1
Final State Determination of Election Contests and Controversies .....	1
Certification by the Governor .....	2
Duplicate Certificates to Electors.....	2
Meetings of Electors to Cast Votes.....	2
Electors' Certifications of Votes.....	2
Congressional Demand for Certificates .....	2
Archivist's Transmittal of Certificates to Congress .....	3
Date for Counting Electoral Votes.....	3
Providing for the Joint Session.....	3
Venue for Counting Electoral Votes .....	3
Opening of the Votes .....	3
Reading of the Votes by House and Senate Tellers .....	3
Counting the Votes and Announcing the Result.....	4
Expediting the Process of Opening and Reading Votes .....	4
The Majority Required for Election .....	4
Procedures for Conducting the Joint Session .....	5
Objecting to the Counting of One or More Electoral Votes .....	6
Disposing of Objections .....	6
Procedures for Considering Objections.....	7
Basis for Objections .....	7
Receipt of Two Certificates from the Same State .....	8
Electoral Vote Timetable and Subsequent Action.....	9

## Contacts

Author Contact Information .....	9
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The House and Senate are scheduled to convene in joint session on January 6, 2017, for the purpose of opening the 2016 presidential election electoral votes submitted by state government officials, certifying their validity, counting them, and declaring the official result of the election for President and Vice President.<sup>1</sup> This report describes the steps which precede the joint session and the procedures set in the Constitution and statute by which the House and Senate jointly certify the results of the electoral vote. It also discusses the procedures set in law governing challenges to the validity of an electoral vote, and makes reference to the procedures followed during the joint session in 2005 by which the election of George W. Bush was certified.

Much of what follows in this report is based on the United States Constitution (particularly Article II, Section 1, and Amendment 12), and on a federal law enacted in 1887 (the Electoral Count Act of 1887) and amended in 1948, now codified in Title 3 of the *United States Code*.<sup>2</sup> Reference is also made to congressional precedent and practice. Early congressional precedents on the counting of electoral votes, which may be found in *Hinds' and Cannon's Precedents of the House of Representatives*, are sometimes inconsistent with each other and with more recent practice. This record, coupled with disputes over the electoral count in 1877, provided the impetus for codifying procedure in the 1887 law. Precedents which pre-date the 1887 act may be primarily of historical significance, particularly to the extent that they are inconsistent with express provisions of the 1887 act, as amended.

Due to the absence of specific and persuasive authority on some issues, and in the interest of brevity, this report attempts to at least identify and present some of the possible issues and questions that have been raised, even when not necessarily resolving them by reference to authoritative source material or decisions. The topics presented are arranged in the approximate order of their occurrence.

## **Actions Leading Up to the Joint Session**

### **Appointment of Electors: Election Day**

The United States Constitution provides that each state “shall appoint” electors for President and Vice President in the manner directed by its state legislature (Article II, Section 1, clause 2), on the day which may be determined by Congress (Article II, Section 1, clause 3). Congress has determined in federal law that the “electors of President and Vice President shall be appointed, in each State” on Election Day, that is, the “Tuesday next after the first Monday in November” every fourth year (on November 8, 2016) (3 U.S.C. §1).

### **Final State Determination of Election Contests and Controversies**

Congress has, since 1887, sought to place the responsibility for resolving election contests and challenges to presidential elections in a state upon the state itself. Federal law provides that if a state, under its established statutory procedure, has made a “final determination of any controversy or contest” relative to the presidential election in the state, and if that determination is

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<sup>1</sup> The permanent statutory date for the joint session of Congress to count the electoral votes is January 6 of the year immediately after the meeting of the electors (3 U.S.C. §15). This date can be changed by Congress by law. See, e.g., P.L. 112-228, H.J.Res. 122, 112<sup>th</sup> Congress (2011-2012), when January 6 was to fall on a Sunday.

<sup>2</sup> 3 U.S.C. §§3-21. See 24 Stat. 373, ch. 90, 49<sup>th</sup> Cong., February 3, 1887; 62 Stat. 671, P.L. 771, June 25, 1948, enacting Title 3, United States Code, into positive law.

completed under this procedure at least six days before the electors are to meet to vote, such determination is to be considered “conclusive” as to which electors were appointed on election day (3 U.S.C. §5).<sup>3</sup> As explained below, the electors vote on December 19, 2016, so the last day for making a final determination is December 13, 2016.

## **Certification by the Governor**

The governor of each state is required by federal law “as soon as practicable” after the “final ascertainment” of the appointment of the electors, or “as soon as practicable” after the “final determination of any controversy or contest” concerning such election under its statutory procedure for election contests, to send to the Archivist of the United States by registered mail and under state seal, “a certificate of such ascertainment of the electors appointed,” including the names and numbers of votes for each person for whose appointment as elector any votes were given (3 U.S.C. §6).

## **Duplicate Certificates to Electors**

On or before December 19, 2016, the governor of each state is required to deliver to the electors of the state six duplicate-originals of the certificate sent to the Archivist of the United States under state seal (3 U.S.C. §6).

## **Meetings of Electors to Cast Votes**

The electors of each state meet at the place designated by that state, on the first Monday after the second Wednesday in December (December 19, 2016), to cast their votes for President and Vice President of the United States (United States Constitution, Amendment 12; 3 U.S.C. §§7,8).

## **Electors’ Certifications of Votes**

After the electors have voted in each state, they make and sign six certificates of their votes containing two distinct lists, one being the votes for President and the other the votes for Vice President. The law instructs the electors to attach to these lists a certificate furnished to them by the governor; to seal those certificates and to certify on them that these are all of the votes for President and Vice President; and then to send one certificate to the President of the Senate, and two certificates to the secretary of state of their state (one to be held subject to the order of the President of the Senate). On the day after their meeting (December 20, 2016), the electors are to forward by registered mail two of the certificates to the Archivist of the United States (one to be held subject to the order of the President of the Senate), and one to the federal judge in the district where the electors have assembled (3 U.S.C. §§9,10,11).

## **Congressional Demand for Certificates**

If no certificates of votes or lists have been received by the President of the Senate or the Archivist from electors by the fourth Wednesday in December (December 28, 2016), then the President of the Senate (or the Archivist if the President of the Senate is not available) is directed by law to request the state’s secretary of state to immediately forward the certificates and lists

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<sup>3</sup> The six-day period established in law has been referred to as the “Safe Harbor” requirement, in that electoral vote results certified by that date are considered to be conclusively cast. See, e.g., *Bush v. Gore*, 531 U.S. 98, 110-11 (2000).

lodged with the secretary of state, and to send a special messenger to the local federal district judge to transmit the lists that are to be lodged with that judge (3 U.S.C. §§12,13).

## Archivist's Transmittal of Certificates to Congress

At the first meeting of Congress, set for January 3, 2017, the Archivist of the United States is required to transmit to the two houses every certificate received from the governors of the states (3 U.S.C. §6).

## Date for Counting Electoral Votes

The date for counting the electoral votes is fixed by law as January 6 following each presidential election (3 U.S.C. §15), unless the date is changed by law. For example, when January 6, 2013, was to fall on a Sunday, the date was changed to January 4, 2013, when the President signed H.J.Res. 122 on December 28, 2012.

## Providing for the Joint Session

### Venue for Counting Electoral Votes

The electoral votes are counted at a joint session of the Senate and the House of Representatives, meeting in the House chamber. (The *United States Code* refers to the event as a joint meeting; it also has been characterized in the *Congressional Record* as a joint convention.) The joint session convenes at 1:00 p.m. on that day. The President of the Senate is the presiding officer (3 U.S.C. §15). The President pro tempore of the Senate has presided in the absence of the President of the Senate.<sup>4</sup>

### Opening of the Votes

Under 3 U.S.C. §15, the President of the Senate opens and presents the certificates of the electoral votes of the states and the District of Columbia in alphabetical order. (As discussed above, under 3 U.S.C. §§9-10, the electors in each state, having voted, are to sign, seal, and certify the certificates. Under §11 of the same title, they are to mail one such certificate to the President of the Senate and mail two others to the Archivist of the United States.)

### Reading of the Votes by House and Senate Tellers

The certificate, or an equivalent document, from each state and the District of Columbia then is to be read by tellers previously appointed from among the membership of the House and Senate. Before the joint session convenes, each chamber appoints two of its Members to be the tellers (the appointments are made by the presiding officers of the respective chambers, based on recommendations made to them by the leaders of the two major parties). The appointed tellers are often members of the House Administration and Senate Rules and Administration Committees, the panels in each chamber having jurisdiction over matters relating to the election of the President and Vice President. In 2013, the House tellers were Members who would serve as chair

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<sup>4</sup> In January, 1969, Vice President Humphrey “declined to preside over the joint session to count the electoral votes.” *Deschler’s [and Deschler-Brown] Precedents of the United States House of Representatives*, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Doc. 94-661 (Washington: GPO, 1977) [hereafter *Deschler’s Precedents*], ch. 10, §2.5, p. 10.

and ranking member of the House Administration Committee that Congress. The Senate tellers were the chair and ranking member of the Senate Rules and Administration Committee.<sup>5</sup>

## Counting the Votes and Announcing the Result

After the votes of each state and the District of Columbia have been read, the tellers record and count them. When this process has been completed, the presiding officer announces whether any candidates have received the required majority votes for President and Vice President. If so, that “announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States” (3 U.S.C. §15).

## Expediting the Process of Opening and Reading Votes

The joint session may agree to expedite this process when no controversy is anticipated. In the 1997 joint meeting, for example, the Vice President announced: “Under well-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.”<sup>6</sup> The Vice President proceeded to open the certificates in alphabetical order and passed to the tellers the certificates showing the votes of the electors in each state and the District of Columbia. In each case, the tellers then read, counted, and announced the result for each state and the District of Columbia. According to the *Congressional Record*, the joint session consumed precisely 24 minutes. A similar process was followed in 2013, when, according to the *Congressional Record*, the joint session consumed 23 minutes.<sup>7</sup>

## The Majority Required for Election

The 12<sup>th</sup> Amendment requires the winning candidate to receive “a majority of the whole number of Electors appointed.” That number normally becomes the same as a majority of the number of electoral votes counted by the tellers.

One exception that has been identified occurred in 1873 when the Vice President announced that President Ulysses S. Grant had received “a majority of the whole number of electoral votes,” even though he also indicated that not all of those electoral votes had been counted. In that case, the two houses, under procedures similar to those described below, had decided not to count the electoral votes from Arkansas and Louisiana. Nonetheless, the number of electoral votes allocated to Arkansas and Louisiana evidently were included in “the whole number of electoral votes” for purposes of determining whether President Grant had received the majority required for election.<sup>8</sup> It should be noted that President Grant was victorious by whichever standard was used. He

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<sup>5</sup> In 2009, the Senate tellers initially were the chair and ranking member of the Senate Rules and Administration Committee, but another Senator, who would become chair of the Rules and Administration Committee that Congress, was later appointed in lieu of the Senator who had served as chair in the previous Congress. On the first day of the 111<sup>th</sup> Congress, the Vice President appointed Senator Dianne Feinstein of California and Senator Robert Bennett of Utah to serve as tellers to count the electoral votes (*Congressional Record*, daily edition, vol. 155 [January 6, 2009], p. S7). On January 8, 2009, the Senate agreed by unanimous consent that Senator Charles Schumer of New York would serve as a teller in lieu of Senator Feinstein (*Congressional Record*, daily edition, vol. 155 [January 8, 2009], p. S186).

<sup>6</sup> *Congressional Record*, vol. 143 (January 9, 1997), p. 297.

<sup>7</sup> *Congressional Record*, vol. 159 (January 4, 2013), p. H49.

<sup>8</sup> *Congressional Globe*, vol. 46 (February 12, 1873), pp. 1305-1306.

received 286 electoral votes out of the 352 electoral votes counted, or out of the potential 364 electoral votes (if the contested votes from Arkansas and Louisiana were included in the whole number).

In 1865, by contrast, only two of the three Nevada electors cast their electoral votes. In the joint session, only two Nevada votes were counted and included in the “whole number of electoral votes.”<sup>9</sup> Similar instances of votes “not given” by electors not being included in the “whole number” of electors reported, thus reducing the so-called denominator and the “majority” needed to elect, occurred in 1809, 1813, and 1817.<sup>10</sup>

We are not aware of instances in which this issue has become a source of contention or was determinative of which candidate was elected. If electoral votes from a state or the District of Columbia were not available to be counted during the joint session (and if the question were raised in a timely fashion), the joint session might be called upon to address the effect of this situation on what number of votes would constitute the “majority of the whole number of Electors appointed.”

## Procedures for Conducting the Joint Session

Title 3 of the U.S. Code includes provisions governing the conduct of the joint session. Section 16 of Title 3 is intended to ensure that the joint session conducts and completes its business expeditiously. As discussed below, §18 prohibits debate as well as the offering and consideration of almost all questions. Section 16 provides that the joint session is to continue until the count is completed and the result announced, and limits recesses if the process of counting the votes and announcing the results becomes time-consuming. The seating of Senators, Representatives, and officials (the Clerk of the House, the Secretary of the Senate, the Members designated as tellers, and other administrative officers of the House and Senate) is also governed by §16.

Under §18, the President of the Senate is to preserve order. This authority *may* be interpreted as encompassing the authority to decide questions of order, but the statute is not explicit on this point. Nevertheless, on several occasions during the joint session of January 6, 2001, Vice President Albert A. Gore, Jr., presiding over the joint session, ruled on the admissibility of objections to the receipt of electoral votes from the state of Florida, and also advised House and Senate Members that debate was not permitted and that a unanimous consent request for debate on the issue could not be entertained. He further stated that even incidental parliamentary motions, including those that only affect the actions of the House, needed the written endorsement of at least one Representative and one Senator in order to be valid. Vice President Gore also declined to entertain a point of order that no quorum was present because the point of order had not been endorsed by one Member from each chamber.<sup>11</sup> The statute provides that no question is to be “put by the presiding officer except to either House on a motion to withdraw.” (The statute provides for the Senate to withdraw automatically under circumstances discussed below. The statute, however, makes no other explicit reference to a *motion* to withdraw.)

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<sup>9</sup> *Congressional Globe*, vol. 35, February 8, 1865, pp. 668-669.

<sup>10</sup> See CRS Report RL30769, *Electoral Vote Counts in Congress: Survey of Certain Congressional Practices*, by Jack Maskell et al.

<sup>11</sup> For the full transcript of the joint session of January 6, 2001, see *Congressional Record*, vol. 147 (January 6, 2001), pp. 101-115.



## Objecting to the Counting of One or More Electoral Votes

Provisions in 3 U.S.C. §15 include a procedure for making and acting on objections to the counting of one or more of the electoral votes from a state or the District of Columbia. When the certificate or equivalent paper from each state (or the District of Columbia) is read, “the President of the Senate shall call for objections, if any.” Any such objection must be presented in writing and must be signed by at least one Senator and one Representative. The objection “shall state clearly and concisely, and without argument, the ground thereof....” During the joint session of January 6, 2001, the presiding officer intervened on several occasions to halt attempts to make speeches under the guise of offering an objection.

When an objection, properly made in writing and endorsed by at least one Senator and one Representative, is received, each house is to meet and consider it separately. The statute states that “[n]o votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.” However, in 1873, before enactment of the law now in force, the joint session agreed, without objection and for reasons of convenience, to entertain objections with regard to two or more states before the houses met separately on any of them.

## Disposing of Objections

The joint session does not act on any objections that are made. Instead, the joint session is suspended while each house meets separately to debate the objection and vote whether, based on the objection, to count the vote or votes in question. Both houses must vote separately to agree to the objection. Otherwise, the objection fails and the vote or votes are counted. (3 U.S.C. §15, provides that “the two Houses concurrently may reject the vote or votes....”)

These procedures have been invoked twice since enactment of the 1887 law. The first was an instance of what has been called the “faithless elector” problem. In 1969, a Representative (James O’Hara of Michigan) and a Senator (Edmund S. Muskie of Maine) objected in writing to counting the vote of an elector from North Carolina who had been expected to cast his vote for Richard Nixon and Spiro Agnew, but who instead cast his vote for George Wallace and Curtis LeMay. Both chambers met and voted separately to reject the objection, so when the joint session resumed, the challenged electoral vote was counted as cast.<sup>12</sup> In that instance, the elector whose vote was challenged was from a state that did not by law “bind” its electors to vote only for the candidates to whom they were pledged. The instance of a “faithless” elector from a state that does, in fact, bind the elector by law to vote for the candidate to whom listed or pledged has not yet been expressly addressed by Congress or the courts.<sup>13</sup>

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<sup>12</sup> When the two chambers reconvened in joint session, the Secretary of the Senate reported that the Senate had agreed to the following action: “Ordered, that the Senate by a vote of 33 ayes to 58 nays rejects the objection to the electoral votes cast in the State of North Carolina for George C. Wallace for President and Curtis E. LeMay for Vice President.” The Clerk of the House stated the results of the House action: “Ordered, that the House of Representatives rejects the objection to the electoral vote of the State of North Carolina submitted by the Representative from Michigan, Mr. O’Hara, and the Senator from Maine, Mr. Muskie.” *Congressional Record*, vol. 115 (January 6, 1969), p. 171. The House vote was 170-228. See also *Deschler’s Precedents*, vol. 3, chap. 10, §3.6. Both houses used roll call votes to decide the question.

<sup>13</sup> See *Ray v. Blair*, 343 U.S. 214 (1952) in which the Court upheld the permissibility of such state limitations but did not address their enforceability.

The second instance was related to reported voting irregularities in Ohio. In 2005, a Representative (Stephanie Tubbs Jones of Ohio) and a Senator (Barbara Boxer of California) objected in writing to the Ohio electoral votes. The chambers withdrew from the joint session to consider the objection, and the House and Senate each rejected the objection. When the House and Senate resumed the joint session, the electoral votes were counted as cast.<sup>14</sup>

## Procedures for Considering Objections

3 U.S.C. §17 lays out procedures for each house to follow in debating and voting on an objection. These procedures limit debate on the objection to not more than two hours, during which each Member may speak only once, and for not more than five minutes. Then “it shall be the duty of the presiding officer of each House to put the main question without further debate.” Under this provision, the presiding officer in each house held in 1969 that a motion to table the objection was not in order.<sup>15</sup>

In the House, the Speaker announced both in 1969 and 2005 that he would attempt to recognize supporters of the objection and opponents in an alternating fashion for the duration of the two-hour period. In one instance in 1969, the Speaker inquired whether a Member supported or opposed the challenge before he agreed to recognize him to speak. Members can yield to each other during debate as they can during five-minute debate in the Committee of the Whole, and many chose to do so in 2005. The Speaker also entertained unanimous consent requests to insert material in the *Congressional Record*.

In 1969 the Senate agreed, by unanimous consent, to a different way in which the time for debate was to be controlled and allocated, granting one hour each to the majority and minority leaders and authorizing them to yield not more than five minutes to any Senator seeking recognition to speak.<sup>16</sup> The five-minute debate prescribed in the statute was followed in 2005, however, and the Presiding Officer entertained requests to insert statements into the *Congressional Record*.

## Basis for Objections

The general grounds for an objection to the counting of an electoral vote or votes would appear from the federal statute and from historical sources to be that such vote was not “regularly given” by an elector, and/or that the elector was not “lawfully certified” according to state statutory procedures. The statutory provision first provides in the negative that “no electoral vote ... regularly given by electors whose appointment has been lawfully certified ... from which but one return has been received shall be rejected” (3 U.S.C. §15), and then reiterates for clarity<sup>17</sup> that both houses concurrently may reject a vote when not “so regularly given” by electors “so certified” (3 U.S.C. §15). It should be noted that the word “lawfully” was expressly inserted by the House in the Senate legislation (S. 9, 49<sup>th</sup> Congress) before the word “certified.”<sup>18</sup> Such

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<sup>14</sup> When the two chambers reconvened in joint session, the Secretary of the Senate reported that the Senate had agreed to the following action: “Ordered, that the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and Richard Cheney for Vice President.” The Clerk of the House then stated the results of the House action: “Ordered, that the House of Representatives rejects the objection to the electoral vote of the State of Ohio.” *Congressional Record*, daily edition, vol. 151 (January 6, 2005), p. H128. The House vote was 31-267. Both houses used roll call votes to decide the question.

<sup>15</sup> *Deschler’s Precedents*, ch. 10, §3.7, pp. 18-20.

<sup>16</sup> *Deschler’s Precedents*, ch. 10, §3.8, pp. 20-23.

<sup>17</sup> See Conference Report on 1887 legislation, *Congressional Record*, vol. 18 (January 14, 1887), p. 668.

<sup>18</sup> *Ibid*.

addition arguably provides an indication that Congress thought it might, as grounds for an objection, question and look into the lawfulness of the certification under state law. The objection that votes were not “regularly given” may, in practice, subsume the objection that the elector was not “lawfully certified,” for a vote given by one not “lawfully certified” may arguably be other than “regularly given.” Nevertheless, the two objections are not necessarily the same. In the case of the so-called “faithless elector” in 1969, described above, the elector was apparently “lawfully certified” by the state, but the objection raised was that the vote was not “regularly given” by such elector. In the above-described 2005 case, the objection was also based on the grounds that the electoral votes “were not, under all of the known circumstances, regularly given.”

## Receipt of Two Certificates from the Same State

Influenced by its historical experience prior to 1887, Congress was particularly concerned in the statute of 1887 with the case of two lists of electors and votes being presented to Congress from the same state. Three different contingencies appear to be provided for in the statute for two lists being presented. In the first instance, two lists would be proffered, but the assumption presented in the law is that only one list would be from electors who were determined to be appointed pursuant to the state election contest statute (as provided for in 3 U.S.C. §5), and that in such case, only those electors should be counted. In the second case, when two lists were proffered as being from two *different* state authorities who arguably made determinations provided for under 3 U.S.C. §5 (a state statutory election contest determined at least six days prior to December 18, the winner of the state presidential election), the question of which state authority is “the lawful tribunal of such State” to make the decision (and thus the acceptance of those electors’ votes) shall be decided only upon the concurrent agreement of *both* houses “supported by the decision of such State so authorized by its law....” In the third instance, if there is *no* determination by a state authority of the question of which slate was lawfully appointed, then the two chambers must agree concurrently to accept the votes of one set of electors; but the two chambers may also concurrently agree not to accept the votes of electors from that state.

When the two houses disagree, then the statute states that the votes of the electors whose appointment was certified by the governor of the state shall be counted. It is not precisely clear whether this provision for resolving cases in which the House and Senate vote differently applies only to the last two situations (that is, when either *two* determinations have allegedly been made under state contest law and procedure, or *no* such determination has been made); or, instead, also when only one such determination is present. Although this section of the statute is not free from doubt, its structure and its relationship to §5 (and to give effect to §5) seem to indicate that when there is only *one* determination by the state made in a *timely* fashion under the state’s election contest law and procedures (even when there are two or more lists or slates of electors presented before Congress), then Congress shall accept that state determination (3 U.S.C. §15) as “conclusive” (3 U.S.C. §5). By this interpretation, the language providing that if the House and Senate split, the question shall be decided in favor of the choice certified by the governor, may not have been intended to be applicable to cases covered by the first clause in the statute in which only one slate or group has been determined, in a timely fashion, to be the electors through the state’s procedures for election contests and controversies. *Hinds’ Precedents of the House of Representatives* suggests that when a state has settled the matter “in accordance with a law of that state six days before the time for the meeting of electors,” then a controversy over the appointment of electors in that state “shall not be a cause of question in the counting of the electoral vote by Congress.”<sup>19</sup> It should be noted that *Hinds’* cites no precedent or ruling, but

<sup>19</sup> Asher C. Hinds, *Hinds’ Precedents of the House of Representatives of the United States* (Washington: GPO, 1907- (continued...))

merely paraphrases the statute, and it seems likely that this issue of the lawfulness of the determination and certification by a state could be raised and dealt with in the joint session.

Precedent subsequent to the statute's original enactment in 1887 has been sparse. There appears only to have been one example, in 1961, when the governor of the state of Hawaii first certified the electors of Vice President Richard M. Nixon as having been appointed, and then, due to a subsequent recount which determined that Senator John F. Kennedy had won the Hawaii vote, certified Senator Kennedy as the winner. Both slates of electors had met on the prescribed day in December, cast their votes for President and Vice President, and transmitted them according to the federal statute. This was the case even though the recount was apparently not completed until a later date, that is, not until December 28.<sup>20</sup> The presiding officer, that is, the President of the Senate, Vice President Nixon, suggested "without the intent of establishing a precedent" that the latter and more recent certification of Senator Kennedy be accepted so as "not to delay the further count of electoral votes." This was agreed to by unanimous consent.<sup>21</sup>

## Electoral Vote Timetable and Subsequent Action

The timetable for the certification, transmission, review, and approval of the electoral votes was established by Congress to avoid a repetition of the extraordinary delay incident to the electoral vote controversy surrounding the 1876 presidential election. In the event that no candidate has received a majority of the electoral vote for President, the election is ultimately to be decided by the House of Representatives in which the names of the three candidates receiving the most electoral votes for President are considered by the House, with each state having one vote. In the event that no candidate receives a majority of the electoral votes for Vice President, the names of the two candidates receiving the highest number of electoral votes for that post are submitted to the Senate, which elects the Vice President by majority vote of the Senators. The development and current practices for election of the President and Vice President by Congress specified in the Constitution and law are discussed in detail in CRS Report RL32695, *Election of the President and Vice President by Congress: Contingent Election*, by Thomas H. Neale.

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(...continued)

1908), vol. 3, §1914, p. 202, referring only to the 1887 statute).

<sup>20</sup> *Facts on File, Weekly World News Digest*, vol. XX, no. 1052, December 22-28, 1960, p. 469.

<sup>21</sup> See discussion in *Deschler's Precedents*, ch. 10, §3.5, pp. 12-13.


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The Meeting of the Electors is scheduled for Monday, December 19, 2016

## U.S. Electoral College Home

[2016 Presidential Election](#)
[What is the Electoral College?](#)

Electoral College Maps:

- [Make Your Own](#)
- [View and Analyze Past Results](#)

[Historical Election Results](#)
[For State Officials](#)
[Frequently Asked Questions](#)
[U.S. Election & Voting Resources](#)
[Facebook](#)
[Twitter](#)
[Search the U.S. Electoral College](#)
[For State Officials](#)
[Approaching deadlines](#)
[ABOUT THE ELECTORS](#)


## Presidential Election Laws

- [Provisions of the Constitution](#)
- [United States Code](#)
- [2016 Presidential Election Pamphlet](#)

### THE CONSTITUTION

#### Article II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

#### Twelfth Amendment

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice.... The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President to the United States.

#### Fourteenth Amendment

Section 3. No person shall be... elector of President and Vice President ... who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion



against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

### **Fifteenth Amendment**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

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### **Nineteenth Amendment**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

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### **Twentieth Amendment**

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

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### **Twenty-Second Amendment**

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

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### **Twenty-Third Amendment**

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

## Twenty-Fourth Amendment

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

## Twenty-Fifth Amendment

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. There upon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## Twenty-Sixth Amendment

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

 [Top of Page](#)

## UNITED STATES CODE

The following provisions of law governing Presidential Elections are contained in Chapter 1 of Title 3, United States Code (62 Stat. 672, as amended):

### TITLE 3 THE PRESIDENT

#### Chapter 1. Presidential Elections and Vacancies

[Skip to First Half of Provisions](#) | [Skip to Second Half of Provisions](#)

#### Section

1. Time of appointing electors.

2. Failure to make choice on prescribed day.
3. Number of electors.
4. Vacancies in electoral college.
5. Determination of controversy as to appointment of electors.
6. Credentials of electors; transmission to Archivist of the United States and to Congress; public inspection.
7. Meeting and vote of electors.
8. Manner of voting.
9. Certificates of votes for President and Vice President.
10. Sealing and endorsing certificates.
11. Disposition of certificates.
12. Failure of certificates of electors to reach President of the Senate or Archivist of the United States; demand on State for certificate.
13. Same; demand on district judge for certificate.
14. Forfeiture for messenger's neglect of duty.
15. Counting electoral votes in Congress.
16. Same; seats for officers and Members of two Houses in joint meeting.
17. Same; limit of debate in each House.
18. Same; parliamentary procedure at joint meeting.
19. Vacancy in offices of both President and Vice President; officers eligible to act.
20. Resignation or refusal of office.
21. Definitions.

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## **Chapter 1. Presidential Elections and Vacancies**

Return to [3 USC Ch. 1, Table of Contents](#)

### **Time of appointing electors**

§ 1. The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

### **Failure to make choice on prescribed day**

§ 2. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

### **Number of electors**

§ 3. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

### **Vacancies in electoral college**

§ 4. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

### **Determination of controversy as to appointment of electors**

§ 5. If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other



methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

### **Credentials of electors; transmission to archivist of the united states and to congress; public inspection**

§ 6. It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.

### **Meeting and vote of electors**

§ 7. The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.

### **Manner of voting**

§ 8. The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution.

### **Certificates of votes for president and vice president**

§ 9. The electors shall make and sign six certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

### **Sealing and endorsing certificates**

§ 10. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice President, are contained therein.

Return to [3 USC Ch. 1, Table of Contents](#)

 [Top of Page](#)

### **Disposition of certificates**

§ 11. The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:  
First. They shall forthwith forward by registered mail one of the same to the President of the

Senate at the seat of government.

Second. Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third. On the day thereafter they shall forward by registered mail two of such certificates and lists to the Archivist of the United States at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the Archivist of the United States for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth. They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled.

#### **Failure of certificates of electors to reach president of the senate or archivist of the United States; demand on state for certificate**

§ 12. When no certificate of vote and list mentioned in sections 9 and 11 and of this title from any State shall have been received by the President of the Senate or by the Archivist of the United States by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

#### **Same; demand on district judge for certificate**

§ 13. When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the Archivist of the United States shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.

#### **Forfeiture for messenger's neglect of duty**

§ 14. Every person who, having been appointed, pursuant to section 13 of this title, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of \$1,000.

#### **Counting electoral votes in congress**

§ 15. Congress shall be in session on the sixth day of January succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted according to the rules in this subchapter provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives

shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 5 of this title to have been appointed, if the determination in said section provided for shall have been made, or by such successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 5 of this title, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its law; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted. When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the questions submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

#### **Same; seats for officers and members of two houses in joint meeting**

§ 16. At such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this subchapter, in which case it shall be competent for either House, acting separately, in the manner herein before provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

#### **Same; limit of debate in each house**

§ 17. When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

#### **Same; parliamentary procedure at joint meeting**

§ 18. While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

#### **Vacancy in offices of both president and vice president; officers eligible to act**

§ 19. (a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that

(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

### **Resignation or refusal of office**

§ 20. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

### **Definitions**

§ 21. As used in this chapter the term -

(a) "State" includes the District of Columbia.

(b) "executives of each State" includes the Board of Commissioners \* of the District of Columbia.

\* The functions of the Board of Commissioners of the District of Columbia are now performed by the Mayor of the District of Columbia. (Reorganization Plan No. 3 of 1967, Section 401, 81 Stat. 948: Pub. L. 93-198, Sections 422 and 711, 87 Stat. 790, 818.)



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